

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 9.01.2015

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THE HON'ble Mr.JUSTICE M. DURAISWAMY

W.P.Nos.694 and 695 of 2015
and
M.P.Nos.1 and 1 of 2015

R. BharanidaranPetitioner in WP No.694 of 2015

S. DevarajPetitioner in WP No.695 of 2015

vs

1. Government of Tamil Nadu,
rep by its Secretary,
Transport Department,
Fort.St. George,
Chennai-9
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram
3. The General Manager,
Tamil Nadu State Transport Corporation,
Vellore Division, Vellore
4. The General Manager,
Tamil Nadu State Transport Corporation,
Thiruvannamalai Division,
ThiruvannamalaiRespondents in both the writ petitions

W.P.No.694 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking for a direction to issue a Writ of Mandamus forbearing the respondents from recruiting and appointing any new persons to the post of Conductors in the 2nd respondent Corporation without and

before giving priority/re-employment under section 25H of Industrial Disputes Act to the petitioner, by relaxing the age limit of the petitioner.

W.P.No.695 of 2015

Writ Petition filed under Article 226 of the Constitution of India seeking for a direction to issue a Writ of Mandamus forbearing the respondents from recruiting and appointing any new persons to the post of Conductors in the 2nd respondent Corporation without and before giving priority/re-employment under section 25H of Industrial Disputes Act to the petitioner.

For petitioners : Mr.S.N. Ravichandran
For 1st respondent : Mr.V. Subbiah
Special Govt. Pleader
For respondents 2 to 4 : Mr.S. Paramasivadoss

COMMON ORDER

W.P.No.694 of 2015: The petitioner has filed the above writ petition praying for a Writ of Mandamus forbearing the respondents from recruiting and appointing any new persons to the post of Conductors in the 2nd respondent Corporation without and before giving priority/re-employment under section 25H of Industrial Disputes Act to the petitioner, by relaxing the age limit of the petitioner.

W.P.No.695 of 2015: The petitioner has filed the above writ petition praying for a Writ of Mandamus forbearing the respondents from recruiting and appointing any new persons to the post of Conductors in the 2nd respondent Corporation without and before giving priority/re-employment under section 25H of Industrial Disputes Act to the petitioner.

2. Mr.V. Subbiah, learned Special Government Pleader takes notice for the first respondent and Mr.S. Paramasiva doss, learned counsel takes notice for the respondents 2 to 4.

3. By consent of both sides, the main writ petitions have been taken up for final hearing and since the facts and circumstances of both the cases are one and the same, they are disposed of by a common order.

4. It is the case of the petitioners that the respondents 2 to 4, in order to fill up the permanent vacancies in the respondent Corporation, issued Notification inviting list of candidates from Employment Exchange. That apart, a call letter was also sent to the petitioners from the Employment Exchange. However, the respondent Corporation, without engaging the retrenched employees under section 25-H of the Industrial Disputes Act, had resorted to fill up the post of conductors and drivers through Employment Exchange, which, according to the petitioners, is a clear violation of statute.

5. Further the petitioners have stated that without giving any preference to the retrenched employees like the petitioners, the respondent Corporation issued a call letter dated 1.12.2014 for personal interview, which was also attended by the petitioners.

6. According to the petitioners, they had fulfilled all the eligible requisite conditions. In Writ Petition W.P No.694 of 2014, the petitioner belongs to backward community and he had done B.Sc degree, as such, according to the petitioner, the age restriction will be inapplicable to him on the basis of Section 12(d) of the Tamil Nadu Subordinate Service Rules.

7. The petitioners gave a letter dated 31.12.2014 to the respondents, narrating their respective cases. According to the petitioners, the respondents have not considered their representations dated 31.12.2014.

8. The learned Special Government Pleader as well the learned counsel appearing for the respondents 2 to 4 submit that the respondents may be directed to consider the representations of the petitioners dated 31.12.2014.

9. Having regard to the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the cases, I direct the respondents to consider the representations of the petitioner dated 31.12.2014, on merits and in accordance with law, taking into consideration of Sec.25-H of the Industrial Disputes Act and pass orders within a period of two weeks from the date of receipt of copy of this order.

10. The learned counsel for the petitioners submitted that liberty may be given to the petitioners to give additional representation to the respondents. However, it is open to the petitioners to give additional representation to the respondents within three days from today and on receipt of such additional representation, the respondents are directed to consider the same and pass orders on merits and in accordance with law within the

stipulated two weeks time.

11. With the above observation, both the writ petitions are disposed of. No costs. Consequently, connected Mps are closed.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
Transport Department,
Fort.St. George,
Chennai-9
2. The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division, Villupuram
3. The General Manager,
Tamil Nadu State Transport Corporation,
Vellore Division, Vellore
4. The General Manager,
Tamil Nadu State Transport Corporation,
Thiruvannamalai Division,
Thiruvannamalai

2 CCs to Mr.S. Paramasivadosh, Advocate SR.No. 1468, 1469

2 CCs to Mr.S.N. Ravichandran, Advocate SR.No. 1366

W.P.Nos.694 & 695 of 2015

RSI (CO)
PSI (09.01.2015)