

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-06-2016

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.20062 of 2016

V.Pandian

.. Petitioner

Vs.

The Managing Director
Tamil Nadu State Transport Corporation (VPM) Limited
3/137 Salamedu
Valuthareddy Post
Villupuram-605 602.

.. Respondent

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus, to direct the respondent to consider and pass order on the petitioner's representation, dated 26.04.2016, with a request to confirm the regularisation of petitioner's service from 04.06.1999, instead of 01.09.2005, and settle the difference in pay and other benefits consequent to the confirmation of service from 04.06.1999 based on the proceedings in Na.Ka.No.E/1356/2015 on the file of the Inspector of Labour, Thiruvannamalai, dated 26.10.2015 and to pass such further orders as this Court may deem fit and proper in the circumstances of this case.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Mr.S.Sairaman
Standing Counsel

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondent to consider and pass order on the petitioner's representation, dated 26.04.2016, seeking to confirm the regularisation of petitioner's service from 04.06.1999, instead of 01.09.2005, and to settle the difference in pay and other benefits consequent to the confirmation of service from 04.06.1999, based on the proceedings in

Na.Ka.No.E/1356/2015 on the file of the Inspector of Labour, Thiruvannamalai, dated 26.10.2015.

3. The petitioner entered into service as Driver, on 10.02.1998, in the Pattukottai Alagiri Transport Corporation, after amalgamation renamed as "Tamil Nadu State Transport Corporation (VPM) Limited". After putting in 240 days of service, his service should have been confirmed, on 04.06.1999. But, his service was continued as daily paid employee. While so, he was dismissed from service, on 25.02.2003, alleging that he has participated in the strike organized by the Trade Union. However, the Joint Commissioner of Labour rejected the approval application for dismissal from service filed by the respondent. Against which, a Writ Petition in W.P.No.36748 of 2005 was filed by the respondent and the same was dismissed. As against the same, a Writ Appeal in W.A.No.987 of 2006 was filed by the respondent and the same was dismissed, on 02.08.2006. After which, the respondent reinstated the petitioner in service with continuity of service and backwages, by proceedings, dated 11.10.2006, however, his service was not regularised from 04.06.1999. Against which, the petitioner has filed a Writ Petition in W.P.No.13854 of 2008, in which, a direction was issued. As per the direction of this Court, the petitioner has made an application before the Inspector of Labour, Thiruvannamalai (Confirmation of Status Authority). After enquiry, the Inspector of Labour, Thiruvannamalai, by order, dated 26.10.2015, directed the respondent Corporation to fix his confirmation of service from 04.06.1999. The petitioner has submitted a representation to the respondent, on 26.04.2016, to confirm the regularisation of his service from 04.06.1999. But, till date, there was no response and hence, he has filed the present Writ Petition.

4. Mr.D.Veerasekaran, the learned counsel for the petitioner would submit that the petitioner had obtained an order from the Inspector of Labour, Thiruvannamalai, dated 26.10.2015, wherein, the respondent Corporation was directed to confirm the service of the petitioner from 04.06.1999, within 30 days thereafter, but, there was no response. Infact, in this regard, the petitioner has submitted a representation, dated 26.04.2016, inspite of that being received by the respondent, till date, no order has been passed. He would further submit that as against the order of the Inspector of Labour, Thiruvannamalai, dated 26.10.2015, no appeal has been preferred and therefore, he only seeks to direct the respondent to consider the representation of the petitioner, dated 26.04.2016, and to pass appropriate orders, in the light of the order passed by the Inspector of Labour, Thiruvannamalai, dated 26.10.2015.

5. Mr.S.Sairaman, the learned Standing Counsel, who takes notice on behalf of the respondent, has got no serious objection in directing the respondent to consider the representation of the petitioner and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the respondent to consider the representation of the petitioner, dated 26.04.2016, and pass appropriate orders, on merits and in accordance with law, in the light of the order passed by the Inspector of Labour, Thiruvannamalai, dated 26.10.2015, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

The Managing Director
Tamil Nadu State Transport Corporation (VPM) Limited
3/137 Salamedu, Valuthareddy Post
Villupuram-605 602.

+lcc to Mrj.S.Sairaman, Advocate Sr.32695
+lcc to Mr.D.Veerasekaran, Advocate Sr.32480

W.P.No.20062 of 2016

msm[co]
srg 11/07/2016