

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.9634 of 2015

1 V.Venkatesan
2 M.Mahadevan
3 D.Shanmugam
4 V.Seeyalam
5 R.Loganathan
6 V.Sundaramurthy [PETITIONERS]

Vs

1 The Managing Director
Tamilnadu State Transport Corporation
(Villupuram) Ltd.
Vazhudareddy, Villupuram.

2 The General Manager
Tamilnadu State Transport Corporation
(Villupuram) Ltd
Kancheepuram Region,
Kancheepuram

3 The Inspector of Labour/
The Competent Authority under the
Tamilnadu Industrial Establishments
(Conferment of Permanent Status to Workmen) Act, 1981
Pallikudathan Street,
Opp to Mettu Street
kancheepuram District. .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of mandamus to direct the third respondent to accept and take up their applications on file and record and to adjudicate their applications in accordance with law within a specified time as may be fixed by this Court.

For Petitioners : Mr.R.Krishnaswamy
For Respondents : Mr.R.Annamalai - R1 & R2
Mr.R.Rajeswaran - R3
Special Government Pleader

O R D E R

Heard Mr.R.Krishnaswamy, learned counsel appearing for the petitioners, Mr.R.Annamalai, learned counsel appearing for the respondents 1 & 2 and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the third respondent and with the consent of the learned counsels on either side, the Writ Petition is taken up for final disposal.

2.The petitioners who are six in number, have filed this Writ Petition praying for issuance of a writ of mandamus to direct the third respondent to accept their Applications and take the same on file, adjudicate the matter and pass appropriate orders under the provisions of the Tamil Nadu Industrial Establishment (Conferment Permanent Status to Workmen) Act, 1981.

3.Since the petitioners have been illegally terminated, they approached the Labour Court, challenging the termination and raised individual Disputes in I.D.No.716 of 1997 etc. batch. The Labour Court, by a common Award dated 03.08.2014, held that the non-employment of the petitioners is not justified and they are entitled to regular and permanent employment together with backwages, continuity of service and other attendant benefits. That common Award was put to challenge by the respondent-Transport Corporation in W.P.Nos. 29666 to 29671 of 2005 and the Writ Petitions were allowed by a common order dated 28.04.2009, by setting aside the common Award passed by the Labour Court. Challenging the same, the petitioners herein have preferred Writ Appeals before the Hon'ble Division Bench in W.A.Nos.1321 to 1326 of 2009 and the Hon'ble Division Bench by Judgment dated 18.11.2010, allowed the Writ Appeals and restored the common Award passed by the Labour Court, with a direction to the respondent-Corporation to reinstate the petitioners in any suitable post as expeditiously as possible, in any case, within a period of eight weeks from the date of receipt of that order.

4.Alleging willful non compliance of the Judgment of the Hon'ble Division Bench, the petitioners filed Contempt Petitions in Cont.P.Nos.737, and 943 to 947 of 2011, and in the said Contempt Petitions, the respondent/Management, produced the copy of the Memo dated 25.6.2011, reinstating the petitioners in service on regular basis. Recording the same, those Contempt Petitions were closed with an observation that if for any reason, the petitioners are still aggrieved, they can assail the correctness of the same before the appropriate forum.

5.As the petitioners are now aggrieved by the action of the respondent/Corporation in not giving them the benefit of continuity of service and other benefits, they filed Applications before the third respondent under the provisions of

the Act. The grievance of the petitioners is that the third respondent has neither taken the Applications on file not returned the same for any valid reason and the matter is still pending. Therefore, they seek for aforementioned relief.

6. In the light of the above, there will be a direction to the third respondent to consider their Applications dated 15.12.2014, filed under section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status) Act, 1981 and pass appropriate orders on merits and in accordance with law, after notice to the petitioners and the respondents 1 & 2, within a period of three months from the date of receipt of a copy of this order.

The Writ Petition is disposed of on the above terms. No costs.
rpa

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

- 1 The Managing Director
Tamilnadu State Transport Corporation
(Villupuram) Ltd.
Vazhudareddy, Villupuram.
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Kancheepuram Region,
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+ 1 cc to Mr.V.Ajoy Khose, Advocate SR 24718

nr(co)
prk2/5

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