

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37770 of 2016

K.Tamilselvan, Staff No.DR.5054

... Petitioner

Vs.

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

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 23.06.2016 with a request to confirm the regularization of petitioner's service from 08.10.2001 instead of 01.09.2005 and further direct to settle the difference in pay.

For Petitioner : Mr.D.Veerasekaran
For Respondent : Mr.S.Sairaman

ORDER

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 23.06.2016 with a request to confirm the regularization of petitioner's service from 08.10.2001 instead of 01.09.2005 and further direct to settle the difference in pay.

3.The petitioner would state that he joined as a Driver on 02.11.1998 in the Puratchi Thalaivar M.G.R.Transport Corporation Limited, Kanchipuram owned by the Government of Tamil Nadu, which was subsequently, amalgamated with Thanthai Periyar Transport Corporation Limited, Villupuram and renamed as Tamil Nadu State Transport Corporation (VPM) Limited.

4.The petitioner would further state that he was issued with the daily pay order on 10.01.2001 and had completed 240 days of continuous service on 08.10.2001 and his service ought to have been confirmed with effect from 08.10.2001 as per the Conferment of Permanent Status Act, but the respondent issued confirmation order on 01.09.2005 instead of 08.10.2001. Though the services of the employees appointed along with the petitioner were confirmed by the respondent after completion of 240 days, his service was continued as a daily paid employee without assigning any reasons.

5.The petitioner would further state that the respondent Corporation is following Longevity Pay Scheme for the upgradation of the working group employees and the first level review for the upgradation will be given after completion of six years of service and the petitioner has been sanctioned first level review under Longevity Pay Scheme with effect from 01.02.2008 by taking into account his service from 08.10.2001 and the respondent has also made recovery towards Provident Fund Contribution from the year 2000-2001 to 2005-2006. The petitioner has been permanently transferred to the Villupuram Region from Kanchipuram region on 23.07.2008. The petitioner has made a number of representations seeking to confirm his service from 08.10.2001 and the last of such representation was made on 23.06.2016 and since the same has not been considered, came forward to file this petition.

6.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who takes notice for the respondent.

7.Considering the submissions made on either side and without going into the merits of the case, this Court directs the respondent to

consider the representation of the petitioner dated 23.06.2016 with regard to confirming the regularization of petitioner's service from 08.10.2001 instead of 01.09.2005 and to settle the difference in pay, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

8.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to decide the matter, purely on merits.

9.The writ petition is disposed of accordingly. No costs.

01.11.2016

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Index: Yes/ No

Internet: Yes/ No

To

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3/137 Salamedu,
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R.SUBBIAH,J.

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