

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.37834 of 2016

R.Soundararajan

... Petitioner

Vs.

1 Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by its Managing Director,
Registered Office,
No.3/137, Salamedu, Vazhudhareddi Post,
Villupuram – 605 602.

2 The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore – 632 009.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and dispose of petitioner's representations dated 08.05.2015 and 08.09.2015 wherein the petitioner has prayed for pre-pone the date of increment from the date of his regularization from service and to grant consequential benefit of seniority and other service benefits.

For Petitioner : Mr.K.M.Ramesh
For Respondent : Mr.P.Kannan Kumar

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 respondents to consider and dispose of petitioner's representations dated 08.05.2015 and 08.09.2015 wherein the petitioner has prayed for pre-pone the date of increment from the date of his regularization from service and to grant consequential benefit of seniority and other service benefits.

3.The petitioner would state that he was recruited as Commercial Apprentice on 14.10.1987 and worked as such till 13.10.1988. Thereafter, he was issued with an order of appointment as Junior Assistant on 04.05.1992 on daily wage work in Gudiyattam Depot and worked continuously upto 30.12.1992 without availing any leave and completed 240 days of service. As per the terms of the settlement between the workmen and respondent Corporation, if a casual workman completes 240 days of continuous service, he is entitled to be made as a permanent employee. Though the petitioner completed more than 240 days of service as on 30.12.1992, the respondent did not confirm his service. However, the respondent vide order dated 01.06.1994, confirmed and regularized the petitioner's service with

retrospective effect from 30.12.1992.

4.The petitioner would further state that due to the delay in regularizing his services, his increment was postponed by three months ever since the year 1993 onwards and whenever he requested to pre-pone the date of increment, he was told that it would be rectified soon. Thereafter, the petitioner found from his Service Register that the period of duty between 21.01.1993 to 20.04.1993 has been wrongly noted as Leave on Loss of Pay and that is the reason for the delay in issuing the order confirming his services and due to the error committed in the staff section, his juniors have been promoted as Assistant and Senior Assistant much earlier than the petitioner. Hence, the petitioner submitted representations to the respondents and since they were not considered, came forward to file this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned counsel who take notice for the respondents.

6.Considering the submissions made on either side and without

R.SUBBIAH,J.

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going into the merits of the case, this Court directs the respondents to consider the representations of the petitioner dated 08.05.2015 and 08.09.2015, 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.

7.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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