

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40519 of 2016

C.Ayyappan

... Petitioner

vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government
The Transport Department,
Secretariat, Chennai - 600 009.

2. The General manager,
Tamil Nadu State Metropolitan Corporation
Pallavan Illam,
Pallavan Salai,
Chennai - 600 002.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 1st respondent to consider and pass order on the petitioner's representation dated 25.04.2016.

For Petitioner : Mr.A.Kalaiselvan

For Respondents : Mr.G.Selvan,

Gov. Advocate, for R1

Mr.P.Kannan Kumar, for R2.

ORDER

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

2. The petitioner has come up with the present writ petition for a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner's representation dated 25.04.2016 and pass appropriate order.

3. It is the case of the petitioner that the petitioner was appointed as a Driver in the Transport Corporation at Perembur Branch on 15.12.1999. As per 12(3) settlement, the driver/conductor, who is appointed through employment exchange even for regular vacancy will be initially appointed on daily wage basis and then they will be made permanent after completion of 240 days of service from the date of appointment.

4. The petitioner should have been made permanent as on 11.08.2000. Even though the employees who were appointed in the same post from the year 1996 to 1999 and 2000 to 2004, were regularized after completion of 240 days, the petitioner was not made permanent by the respondent. In a similar situation, a batch of conductors and conductors of Tamil Nadu State Transport Co-operative Coimbatore Division-I Limited, filed W.P.No.9748 of 2011 before this Court and this Court by an order dated 06.06.2011 directed the management to regularize their services after completion of 240 days. Under such circumstances, the petitioner made representation dated 25.04.2016 to the respondents to regularize his service from the date of his initial appointment. But, till date no action has been taken. Hence, the petitioner has come forward with the present petition.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned standing counsel appearing for the second respondent.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court, without going into the merits of the claim of the petitioner, directs the petitioner to give a copy of the representation dated 25.04.2016 to the first respondent, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the same, the first respondent is directed to consider the same in the light of the order passed by this Court in W.P.No.9748 of 2011 and pass appropriate order, within a period of four weeks thereafter.

7. With the above direction, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Government of Tamil Nadu
rep. by the Secretary to Government
The Transport Department,
Secretariat, Chennai - 600 009.
2. The General manager,
Tamil Nadu State Metropolitan Corporation
Pallavan Illam,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.p.kanna kumar, Advocate, S.R.No.67894
+1cc to Mr.A.KALAISELVAN, Advocate, S.R.No.66957
+1cc to the Government Pleader, S.R.No.67545

सत्यमेव जयते

W.P.No.40519 of 2016

CO (RJ)
CP 02/01/2017

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