



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2016

CORAM

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19771 of 2016

M.Ayyathurai

... Petitioner

-vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation,
at K.T.C. Nagar,
Samathanapuram,
Tirunelveli.

2. The General Manager,
Tamil Nadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 12.08.2015 favourably since he has been acquitted from the Calendar case No.75/96 on the file of the Judicial Magistrate Court, Virudhunagar.

For Petitioner : Mr.R.Ramachandran
For Respondents : Mr.K.Sathiya Singh

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 12.08.2015, in which, continuity of service with all attendant benefits has been sought for.

2.Heard the learned counsel appearing for the petitioner and the learned Standing Counsel who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was employed as a daily worker/driver with effect from 19.05.1986 at the rate of Rs.17 per day. Later on, in accordance with the terms of 18(1) settlement entered into under



the provision of the Industrial Disputes Act, 1947, the petitioner was appointed as a fresh Driver on daily wage rate without continuity of service and without back wages or any other claims whatsoever for a period of 240 days of actual work within a continuous period of one year with effect from 11.01.1996.

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4. On 17.10.1994, the bus bearing registration No. TN74/No.303, which was driven by the petitioner got involved in an accident with a lorry. A case came to be registered by Vachakarapatti police station in Crime No.385/94 and that has been taken on file in C.C.No.75 of 1996 by the Judicial Magistrate, Virudhunagar. The case ended in acquittal by the Judgment dated 28.06.1998. In view of the pending case, the petitioner was dismissed from service on 07.02.1995. The petitioner was later appointed afresh as per 18(1) settlement.

5. Consequent to the order of acquittal, the petitioner submitted a representation dated 12.08.2015, seeking continuity of service with all attendant benefits and promotion. As the representation was not considered, this Writ Petition came to be filed.

6. The learned Standing counsel for the respondents would submit that it is agreeable for the respondents to consider the representation dated 12.08.2015 in accordance with law and on merits.

7. Accordingly, this Writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 12.08.2015 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

+ 1 CC TO Mr.R.RAMACHANDRAN, ADVOCATE IN SR No. 60875
+ 1 CC TO Mr.K.SATHIYA SINGH, ADVOCATE IN SR No. 61620

MJ

TE/GSV-PM : 18/11/2016 : 2P/3C

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