

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.10597/2017 & WMP No.11535/2017

B.Sivakumar

..Petitioner

..Vs..

The Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam,
Chennai-600 002.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent/Management to consider the petitioner for appointment to the post of Conductor as per Sec.25 (H) of the Industrial Disputes Act before making fresh recruitment from the open market.

For Petitioner :: Mr.P.Ganesan

ORDER

This writ petition is filed for issue of a Writ of Mandamus directing the respondent/Management to consider the petitioner for appointment to the post of Conductor as per Sec.25 (H) of the Industrial Disputes Act before making fresh recruitment from the open market.

2. The petitioner states that he was engaged as a Conductor on daily wages by the respondent Corporation during the strike period in the year 1998 and he was assigned 80 duties during the period from 26.09.1998 to 04.01.1999. Again, he was provided duty as Conductor on casual labour basis and he worked for 152 days between 09.10.2003 and 07.01.2005 and for 273 days from 09.07.2005 to 20.07.2007, which comes to 505 duties, in toto. The request of the petitioner is that, since Conductors, who are similarly placed like him, (ie., engaged as Conductors on daily rated basis) and who have completed less than 80 duties have been appointed as Conductors on priority basis as per Section 25(H) of the Industrial Disputes Act, 1947, based on directions of Court and their services have also been subsequently regularised, he may also be treated on par with those casual labourers, who were appointed on regular basis, as per Section 25(H) of the above said Act. Though the petitioner has made several representations, in this regard, to the respondent, they were of no avail.

3. Learned counsel for the petitioner submitted that the petitioner would be satisfied if the representation of the petitioner, the last of which is dated 25.03.2017 is disposed of considering the above facts.

4. Accordingly, a direction is issued to the respondent to consider the representation of the petitioner dated 25.03.2017 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. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

19.05.2017

Index: Yes/No
Internet:Yes/No
Speaking Order/Non Speaking Order

To
The Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam,
Chennai-600 002.

M.GOVINDARAJ., J

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W.P.No.10597/2017

19.05.2017

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