

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.14681 to 14686 of 2017

M.Ravi	... Petitioner in W.P.No.14681/17
S.Anandan	... Petitioner in W.P.No.14682/17
K.Vijayakumar	... Petitioner in W.P.No.14683/17
P.Chandrasekaran	... Petitioner in W.P.No.14684/17
M.Maharaja	... Petitioner in W.P.No.14685/17
C.Ayyappan	... Petitioner in W.P.No.14686/17

Vs.

1. The Government of Tamil Nadu,
Rep by the Principal 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.
3. The Senior Deputy Manager,
Chennai Metropolitan Transport Corporation Ltd.,
"Pallavan House" P.B.No.390,
Anna Salai, Chennai - 600 002. ... Respondents in all
the WPs

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records of the 3rd respondent pertaining to letter No.26330/Pa.Pe(Po)2/Ma.Po.Ka/ 2016-4; 2016-2; 2016-7; 2016-6; 2016-5; 2016-3 respectively dated 03.03.2017, 03.03.2017, 12.04.2017, 03.03.2017, 03.03.2017, 03.03.2017 respectively and quash the same and consequently direct 2nd respondent to confer permanent status on the petitioners after completion of 240 days from the date of their initial appointment as driver/conductor with all consequential benefits.

For Petitioners : Mr.A.Kalaiselvan

For Respondents : Mr.T.M.Pappiah,
Special Government Pleader for R1
Mr.P.Kannan Kumar for R2 & R3

O R D E R

The petitioners have come to this court challenging the impugned order bearing letter No.26330/Pa.Pe(Po)2/Ma.Po.Ka/2016-4 dated 03.03.2017 &12.04.2017 passed by the 3rd respondent, to quash the same with a consequential direction to the second respondent to confer permanent status on the petitioners after completion of 240 days from the date of their appointment as Driver/Conductor with all consequential benefits.

2.It is the claim made by the petitioners that they are working continuously for more than 480 days during the past 24 calendar months. However, the Transport department is not coming forward to confer permanent status. Therefore, the impugned order passed by the Senior Deputy Manager, Chennai Metropolitan Transport Corporation Limited, the third respondent herein is liable to be set aside.

3.In my considered opinion, when the petitioners have made a claim that they should be conferred the status of permanency, as per Section 3(1) of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, they should establish the fact by approaching the authority under the Act. Without doing so, they cannot go to the third respondent. Therefore, the order passed by the third respondent refusing conferment of permanent status cannot be found fault with. However, the learned counsel for the petitioners sought permission to approach the appropriate authority under the Act for conferment of permanent status. Recording his statement and granting such permission, the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

maya/ss

To

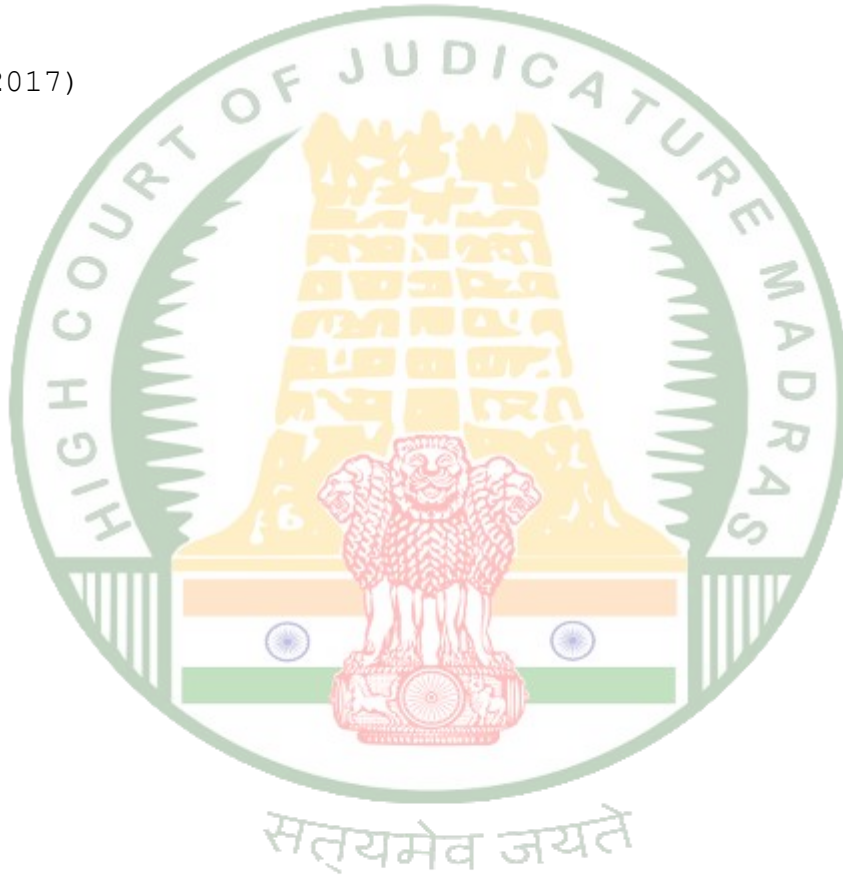
1. The Principal Secretary to Government,
Government of Tamil Nadu,
The Transport Department,
Secretariat, Chennai - 600 009.
2. The General Manager,
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3. The Senior Deputy Manager,
Chennai Metropolitan Transport Corporation Ltd.,
"Pallavan House" P.B.No.390,
Anna Salai, Chennai - 600 002.

+6cc's to Mr.P.Kannan Kumar, Advocate, S.R.No.42461
+1cc to Mr.A.Kalaiselvan, Advocate, S.R.No.42404
+1cc to the Government Pleader, S.R.No.42211

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AD(CO)
CA(27/06/2017)



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