

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2553/2017

K.Vijayakumar .. Petitioner

.Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu
The Transport Department
Secretariat, Chennai 600 009.

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

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider and pass order on petitioner's representation dated 10.12.2016.

For Petitioner	:	Mr.A.Kalaiselvan
For R1	:	Mr.K.Dhananjayan, Spl. GP
For R2	:	Mr.P.Kannan Kumar

ORDER

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

Mr.K.Dhananjayan, learned Special Government Pleader accepts notice

on behalf of the 1st respondent and Mr.P.Kannan Kumar, learned counsel accepts notice on behalf of the 2nd respondent.

2 The grievance expressed by the petitioner is that he is employed as a temporary Driver and completed more than 240 days and despite the request to make him permanent, it has not been done so and in this regard, the petitioner has also submitted a representation dated 10.12.2016 and since no orders are passed, he came forward to file the present writ petition.

3 The learned counsel appearing for the petitioner would submit a Settlement under section 12[3] of the Industrial Disputes act, vide C1/18591/02 dated 31.08.2005 had also been arrived at wherein the services of the drivers employed on daily wage basis, came to be made permanent and would further add that in similar facts and circumstances, this Court had passed positive orders, viz., [1]order dated 06.04.2011 made in WP.Nos.18581 to 18586/2009 [*A.Jabeer Hussain and 5 Others Vs. The Inspector of Labour/Authority under the Tamil Nadu Industrial Establishments, [Conferment of Permanent Status to Workmen] Act, 1981, Coimbatore and another*] ; [2] order dated 06.06.2011 made in WP.No.9080 to 9087/2011 and 9743 to 9748/2011

[A.Kandaswamy and 13 others Vs. The Inspector of Labour/Authority under the Tamil Nadu Industrial Establishments, [Conferment of Permanent Status to Workmen] Act, 1981, Coimbatore District and another] ; and [3] the order dated 06.10.2016 made in WP.No.35605/2016 *[R.Jayaseelan Vs. the Secretary to Government, Government of Tamil Nadu, The Transport Department, Secretariat, Chennai 600 009]* and therefore, prays for appropriate orders.

4 Per contra, Mr.P.Kannan Kumar, learned Standing Counsel appearing for the 2nd respondent would submit that the order dated 06.04.2011 made in WP.Nos.18581 to 18586/2009 [cited supra] has been put to challenge and prays for time to get instructions.

5 The Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and also considered the rival submissions and perused the typed set of documents.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in

M.SATHYANARAYANAN, J.,
AP

his representation or in this writ petition, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 10.12.2016 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

03.02.2017

Index : No

Internet : Yes

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To

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