

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.11.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12802 of 2010

Th.K.Deenathayalan

..Petitioner

vs

1.The Managing Director,
Metropolitan Transport Corporation
(Chennai Division) Ltd.,
Pallavan House,
Anna Salai,
Chennai - 600 002.

2.The Branch Manager,
Metropolitan Transport Corporation
(Chennai Division) Ltd.,
Ambattur Depot,
Chennai - 600 053.

3.The Asst.Branch Manager (Administration),
Metropolitan Transport Corporation
(Chennai Division) Ltd.,
Ambattur Depot,
Chennai - 600 053.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refix the seniority of the Petitioner (Staff No.C-50985) concerned from the date of the petitioner original appointment i.e., from 21.02.2000, with all consequential benefits and other benefits in respect of the petitioner herein.

For Petitioner : M/s.R.Tholkappian
For Respondents : Mr.P.Paramasivados

O R D E R

The relief sought for in this writ petition is for a direction to the respondents to refix the seniority of the petitioner from the date of his original appointment i.e., from 21.02.2000 with all consequential benefits.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner has completed twelfth standard and registered his name in the employment exchange on 28.10.1998. The name of the writ petitioner was sponsored and he had received a call letter for interview and accordingly, he participated in the selection process for recruitment to the post of Conductor. The petitioner underwent training from October 1998 till December 1998. On 01.1.1999, the writ petitioner again participated in the interview and he was continued as casual labourer in the respondent corporation till 24.02.2000. Thereafter, the petitioner continued as casual labourer till 01.09.2005 from the date on which he was permanently absorbed as Conductor in the respondent corporation.

3.The learned counsel for the petitioner states that the writ petitioner is entitled to be regularized from the date on which he completed 240 days of service. The service conditions of the writ petitioner are governed by the rules in force in the respondent corporation. Undisputedly, the writ petitioner was appointed as casual labourer and therefore, no automatic conformity of permanent status in respect of the writ petitioner on completion of 240 days can be granted. The writ petitioner has participated in the process of selection and appointed as casual labourer on contractual terms and conditions.

4.This being the fact remains, now after permanent absorption, the writ petitioner was not entitled to claim regularization from the date on which he was appointed on contract basis. However, from 01.09.2005 onwards, the petitioner was permanently absorbed in the services of the transport corporation. Thus, qualifying services calculated by the respondent corporation with effect from the date of permanent absorption is in conformity with the rules in force. Thus, the mere averments in the writ petition that the petitioner is entitled for retrospective regularization from the date he was appointed as casual labourer cannot be considered. Thus, the other grounds raised in this writ petition deserves no further consideration.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-)

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Sub Assistant Registrar

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To

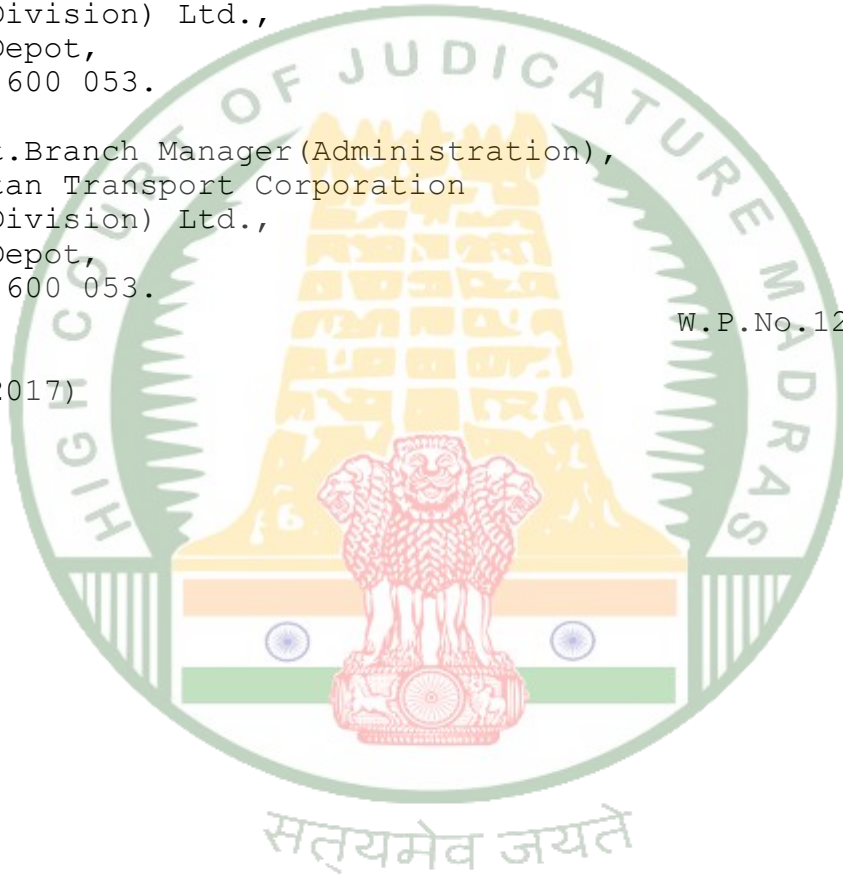
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TR(08/12/2017)



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