



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P. (MD) No.16269 of 2017

WEB COPY

M.Justin Raj

: Petitioner

Vs.

The Management Director,
Tamil Nadu State Transport Corporation,
K.T.C. Nagar, Samanathapuram,
Tirunelveli.

: Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondent to dispose off the petitioner's representation dated 23.06.2017 within a stipulated period as fixed by this Court.

For Petitioner

: Mr.S.Parthasarathy

For Respondent

: Mr.K.Sathya Singh

Standing counsel for TNSTC

O R D E R

By the consent of both sides, the writ petition itself is taken up for final disposal.

2.The petitioner has come to this Court seeking a Writ of Mandamus, directing the respondent to dispose of the petitioner's representation dated 23.06.2017, in and by which, the petitioner has sought for regularization of his service from the date of his original appointment ie., on 10.06.1995, although, the petitioner was granted regularization with effect from 15.04.2000.

3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Driver in the Transport Corporation on 10.06.1995 and was terminated from service with effect from 14.08.1996. Aggrieved by the order of termination/non-employment, the petitioner and others who were similarly placed came to this Court with W.P.(MD)Nos.20246 of 1998, 1086 to 1088, 2731, 3073, 3093 and 3252 of 1999, seeking Writ of Declaration, declaring the termination of the petitioners from the post of Conductors by the respondent Transport Corporation as illegal, arbitrary and violation of Section 25-F, 25-G, 25-H and 25-N of the Industrial Disputes Act, and consequently direct the respondents to reinstate them in service as conductors with continuity of service, back wages, and other benefits.



4.This Court vide order dated 15.03.1999, issued a direction to the petitioners to make further representation, if they are so advised within one month from the date of receipt of the order to the respondent Corporation to substantiate their claim. The respondents were further directed to decide as to whether each individual worker had completed 240 days of service in the light of the records maintained by them. However, the said order has not been complied with.

5.Hence, the petitioner filed contempt petition in Cont.P.No.675 of 1999. This Court vide order dated 16.03.2000, as against the order dated 15.03.1999, as special case as aggrieved by the parties, directed the respondents to provide permanent employment to the petitioner within a period of 30 days from 16.03.2000 with further direction to the petitioner that he shall not press for any back wages on any account. Since the said order does not show that the respondents shall regularize the petitioner service from 1995 in the light of the order passed in contempt petition (MD) No.675 of 1999, the respondents regularized the petitioner's service and had given appointment on 15.04.2000. Subsequently, by the order dated 22.02.2002, his services were regularized from 02.12.2001. Again after two years, the petitioner made a representation on 12.11.2003 to regularize his service from 10.06.1995.

6.This Court does not find any merit to entertain this writ petition for the following reasons.

6.1.Firstly when he was dismissed from service with effect from 14.08.1996, this Court vide order dated 15.03.1999 as mentioned above, directed the petitioner to give representation to the respondents and with further direction to respondents to consider their case if they have completed 240 days of service.

6.2.Secondly, vide another order dated 16.03.2000, a direction was given to the respondents to provide permanent employment to the petitioner and only pursuant to that order further employment was given on 15.04.2000. Subsequently, his services were regularized with effect from 15.04.2000.

7.Therefore, this Court finds no merit in this present writ petition. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar



To

+1cc to M/S.S.PARTHASARATHY, Advocate SR.No.75326

+1cc to M/S.K.SATHIYA SINGH, Advocate SR.No.75851

MRN/MR

MAS/SKN-RSK/SAR4:02.11.2017:3P-3C

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