

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1749 of 2018

1. D.Saravanan
2. D.Chandrasekaran
3. V.Sambandan
4. R.John Kennedy
5. R.Pandiyam
6. T.Manoharan

Appellants

Versus

The Management,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Anna Salai,
Chennai 600 002.

Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 19.8.2014 passed in W.P.No.22550 of 2008 on the file of this court.

Prayer in WP.No.22550/2008:-Petition under Article 226 of the Constitution of India praying for issue of a writ of Certiorarified Mandamus to call for the records relating to the order letter No.12074/LS(CM)IV/MTC/2003 dated 20.11.07 passed by the respondent and to quash the same and consequently direct the respondent re-fix seniority of the petitioners concerned from the date of their original appointment with all consequential benefits.

For appellants : Mr.S.T.Varadarajulu
For respondent : Mr.Rajani Ramadoss

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.Rajani Ramadoss, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the appellants challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for re-fixation of seniority.

3. According to the learned counsel for the appellant they should have been extended the benefit of regularisation of service and re-fixation of seniority from the date of their original appointment, on completion of 240 days, since they had been working from the year 2000.

4. The learned Single Judge, while dismissing the writ petition observed that the 12(3) settlement arrived in the year 2005 superseded the earlier settlements entered into during the years 1986 and 1989.

5. The issue involved in the writ appeal is squarely covered by a judgment of a Division Bench of this court in W.A.Nos.2642 to 2655 of 2012, etc. dated 2.2.2012, wherein, it has been observed that between the years 1999 to 2005, there was a ban on recruitments by the Government during which period, the employees are alleged to have been working for 480 days within a period of 24 calendar months and therefore, it has been held that permanent status cannot be conferred during the currency of the said ban period from the year 1999 to 2005.

6. In such view of the matter, we find that the order passed by the learned Single Judge does not require any interference. Accordingly, the writ appeal is disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Management,
Metropolitan Transport Corporation
(Chennai) Ltd.,
Anna Salai,
Chennai 600 002.

+1cc to Mr.S.T.Varadarajulu, Advocate SR.NO.56364
+1cc to M/s.S.Rajeni Ramadoss, Advocate SR.NO.56565

NRL(CO)
srg:5.10.2018

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