

IN THE HIGH COURT OF JUDICATURE AT MADRAS

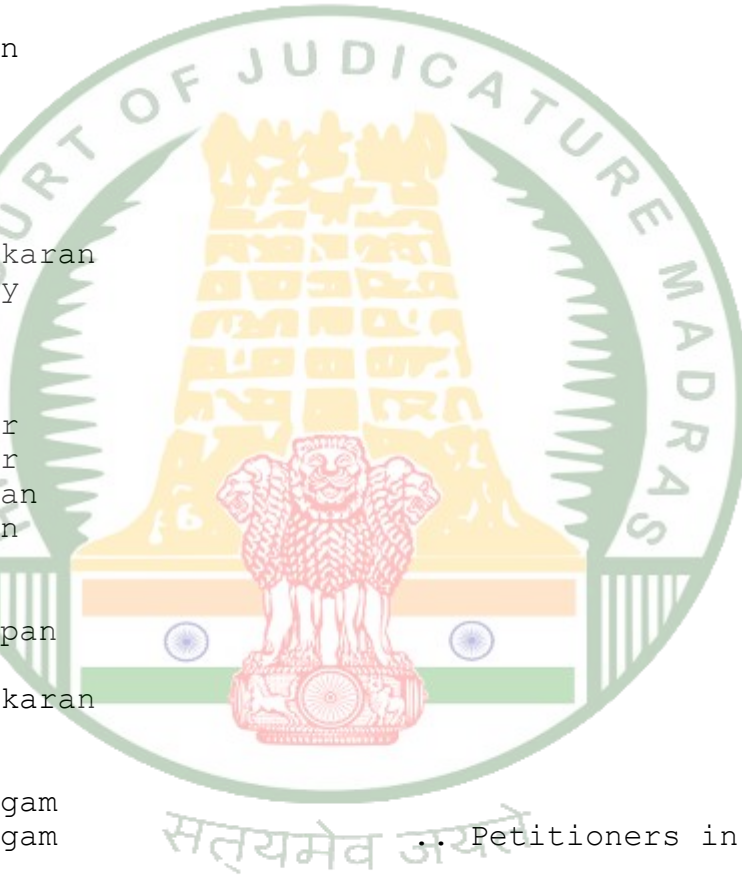
DATE : 10.12.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NOS. 2877 & 10277 OF 2018

1. K.Kothandaraman
2. K.V.Ramesh
3. K.Selvaraj
4. P.Subramanian
5. V.Sivakumar
6. K.Palanisamy
7. S.Rajarajan
8. R.Ramasamy
9. C.Thangarasu
10. M.Chandrasekaran
11. R.Gurumurthy
12. V.Sadasivam
13. J.Pulendran
14. D.Ebenezer
15. N.Selvakumar
16. R.Muthukumar
17. S.Chenniappan
18. R.Anbazhagan
19. V.Sankarram
20. R.Balusamy
21. N.Thavasiappan
22. K.Nataraj
23. R.Chandrasekaran
24. R.Sakthivel
25. N.Selvaraj
26. D.Panchalingam
27. P.Panchalingam



... Petitioners in WP 2877/18

1. M.Palanisamy
2. D.Arulraj
3. T.Jayakumar
4. B.Mahalingam
5. P.Jothivel
6. A.Marianathan
7. S.Ranganathan
8. N.Sasikumar
9. T.Manickam
10. K.Thangaraj
11. R.Nanjan
12. S.Singadevan

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13. A.Periasamy

14. Arumugam

.. Petitioners in WP 10277/18

- Vs -

The Managing Director
Tamil Nadu State Transport
Corporation (Kovai) Ltd.
No.37, Mettupalayam Road
Coimbatore 641 043.

.. Respondent in both the petitions

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to consider the petitioner's representation dated 10.1.2018 within specific time frame and communicate the order to respective petitioners.

For Petitioner : Mr. G.Peranban

For Respondent : Mr. R.S.Selvam, GA

COMMON ORDER

These writ petitions have been filed by the petitioners for a direction to the respondents to consider the representation dated 10.1.18 in which the petitioners are seeking employment in the State Transport Corporations.

2. Learned counsel appearing for the petitioners submit that G.O. No.23 dated 29.2.16 would cover the case of the petitioners, wherein the Government has directed the State Transport Undertakings to regularise the services of 13 drivers and 45 conductors, appointed in the year 1995-1996 in the Tamil Nadu State Transport Corporation. Learned counsel for the petitioners placed reliance on the judgment of the Supreme Court in SLP No.3065/06 in C.A. No.6582/10.

3. In tune with the order passed by the Supreme Court as also the Government Order, the petitioners submitted representation, but no order has been passed on the said representations till date and, therefore, the present petitions have been filed.

4. Mr.A.N.Thambidurai, learned Addl. Government Pleader takes notice for the respondents. The learned counsel for the petitioners submitted that this Court may direct the respondents to consider the representation submitted by the petitioners in the light of the order passed by the Supreme Court and the Government Order within a particular time frame.

5. The order in the G.O. reads that the Government has decided to accept the proposal of the Managing Director, State Transport Corporation, Salem, to regularise the service of 58 casual labourers, viz., 13 drivers and 45 conductors, the list of which was annexed to the Government Order, with effect from 28.2.13 by relaxing the G.O. (Ms.) No.1138, Labour & employment Dept., dated 25.9.78 relaxing their upper age limit, subject to the condition that the said Government Order should not be applicable for any other similar case in all State Transport Undertakings.

6. A perusal of the judgment of the Supreme Court in SLP No.3065/06 in C.A. No.6582/10, relied on by the petitioners reveal that a direction has been issued by the Hon'ble Supreme Court pointing out that in normal circumstances, remedy will lie only before the Labour Court under the Industrial Disputes Act. However, considering the facts of the case, particularly, the judgment of the High Court and considering the subsequent order passed by the State Government that the workman, who have completed 240 days within one year prior to the date of termination of service shall be reinstated, the Supreme Court was inclined to confirm the judgment passed by the High Court.

7. Be that as it may. In view of the limited relief sought for, this Court is of the view that it would be suffice to direct the respondent to consider the representation submitted by the petitioners in the light of the Government Order mentioned above as well as in the light of the judgment of the Supreme Court, noticed above, and pass orders thereon within a particular time frame.

8. In the above circumstances, these writ petitions are disposed of directing the respondent to consider the representation submitted by the petitioners in the light of the Government Order mentioned above as well as in the light of the judgment of the Supreme Court, noticed above, and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

GLN

To

The Managing Director
Tamil Nadu State Transport
Corporation (Kovai) Ltd.
No.37, Mettupalayam Road
Coimbatore 641 043.

+4 ccs to Mr.G.Peranban, Advocate, S.R.No.85533, 85534
+1 cc to M/s.R.S.Selvam, Advocate, S.R.No.85543

W.P. NOS. 2877
& 10277 OF 2018

PPA(CO)
SSM(09/01/2019)



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