

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.12121 of 2009

N.P.Balusamy

... Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Secretary,
Transport Department,
Fort St. George, Secretariat,
Chennai-9.

2. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram Division,
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for concerned records relating to Ka.No.128/11064/Ne5/Tah.Na.Aa.Po.Kav(Vizhu)/2007 dated 10.09.2007 passed by the 2nd respondent and quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Conductor in the 2nd respondent Corporation with all consequential monetary and other service benefits.

For Petitioner : Mr.K.Balu

For 1st Respondent : Mr.K.Ravikumar, AGP

For 2nd respondent : Mr.T.Chandrasekaran

O R D E R

The Writ Petition has been filed, challenging the impugned order dated 10.09.2007 passed by the 2nd respondent, to quash the same and for consequential direction, directing the 2nd respondent to appoint the petitioner as Conductor in the 2nd respondent Corporation with all consequential monetary and other service benefits.

2. Learned Counsel appearing for the petitioner submitted that the petitioner was appointed as a Conductor in the 2nd respondent Corporation in June 2005 and after working more than two years, since the benefit of regularisation was not given to him, he filed W.P.No.24225/2007 seeking Mandamus, directing the 2nd respondent therein to consider his representation dated 16.4.2007 and regularise his employment in the 2nd respondent Corporation. This Court while disposing of the said Writ Petition, by its order dated 18.7.2007, directed the 2nd respondent to consider the grievance of the petitioner on the basis of his representation dated 16.4.2007. Thereafter, the 2nd respondent in his order dated 10.09.2007 rejected the representation of the petitioner. Therefore, the present Writ Petition has been filed seeking to quash the said order of the 2nd respondent.

3. When the matter was taken up, the learned Counsel appearing for the respondent Transport Corporation raising a preliminary objection with regard to the maintainability of this Writ Petition submitted that since the petitioner is seeking regularisation of his service, he should challenge the impugned order only before the appropriate authority, namely, the Labour Court. But without doing so, he has straight away come to this Court, therefore, the writ petition is not at all maintainable.

4. I fully agree with the submission of the learned Counsel for the respondent Transport Corporation. Therefore, the Writ Petition is liable to be dismissed on the ground of maintainability because this petition is not maintainable under Article 226 of the Constitution of India.

5. In the result, the Writ Petition is dismissed with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu
Transport Department,
Fort St. George, Secretariat,
Chennai-9.

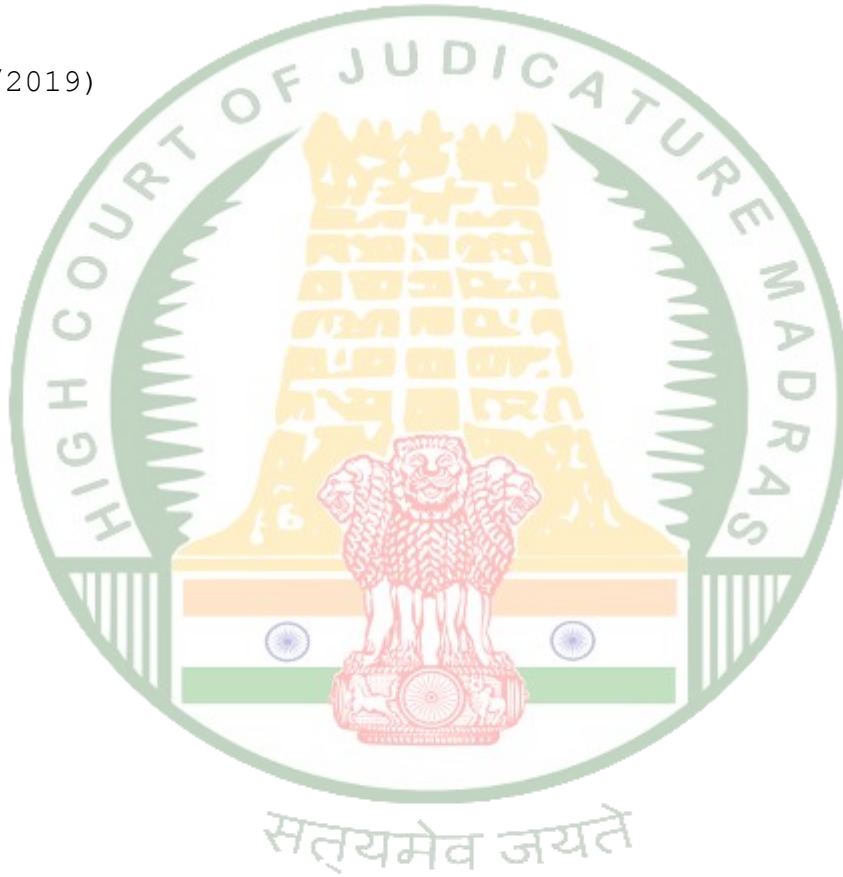
2. The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Villupuram Division,
Villupuram District.

+1cc to Mr.Mr.T.Chandrasekaran, Advocate SR.No.30318

+1cc to Government Pleader SR.No.31094

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VD(CO)
GMY(30/05/2019)



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