

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No. 26123 of 2015

K.Velusamy

... Petitioner

vs.

1. The Managing Director,  
Tamil Nadu State Transport Corporation  
(Salem) Division, Salem Region,  
No.12, Ramakrishna Road,  
Salem.

2. The General Manager,  
Tamil Nadu State Transport Corporation  
(Salem) Division,  
Salem Region,  
No.12, Ramakrishna Road,  
Salem.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to treat the petitioner as regular employee with all benefits as per the award of the Labour Court Salem dated 30.09.2008 and made in I.D.No.56/2006 and the direction of this Court dated 10.10.2011 in W.P.No.356 of 2010 based on the representation of the petitioner dated 10.04.2015.

For Petitioner : Mr.M.Selvam

For Respondents : Mrs.Rajeni Ramadass  
Standing Counsel for R1 & R2

O R D E R

This writ petition is filed seeking to issue a Writ of Mandamus to direct the respondents to treat the petitioner as regular employee with all benefits as per the award of the Labour Court Salem dated 30.09.2008 and made in I.D.No.56/2006 and the direction of this Court dated 10.10.2011 in W.P.No.356 of 2010 based on the representation of the petitioner dated 10.04.2015.

2. The petitioner is a driver. He was dismissed from service. He challenged the order of dismissal before the Labour Court. By award dated 30.09.2008, the Labour Court set aside the dismissal order and directed the Management to reinstate the petitioner with 25% of the backwages, also by observing that he is entitled for other benefits such as increments and promotions with continuity of service. The Management challenged the said award of the Labour Court in W.P.No.356 of 2010. The Writ Court, by order dated 10.10.2011 dismissed the writ petition. It is stated that a Writ Appeal filed against the said order of the Writ Court also came to be dismissed on 26.03.2019 in W.A.No.1029 of 2019. Thus, the award of the Labour Court has become final and is to be implemented.

3. Learned Standing Counsel appearing for the respondent Corporation submitted that the Management will implement the award of the Labour Court within a period of four weeks.

4. The above said statement of the learned Standing Counsel appearing for the respondent Corporation is recorded. Consequently, the Writ Petition disposed of by directing the respondent Corporation to implement the award passed in I.D.No.56/2006 dated 30.09.2008 within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsi  
To

1. The Managing Director,  
Tamil Nadu State Transport Corporation  
(Salem) Division, Salem Region,  
No.12, Ramakrishna Road, Salem.

2. The General Manager,  
Tamil Nadu State Transport Corporation  
(Salem) Division, Salem Region,  
No.12, Ramakrishna Road, Salem.

+1 CC to Mr.T. Pappaiah Dharmarajan, advocate sr 103322  
(19/12/2019)

W.P.No.26123 of 2015

SAI (CO)  
CSR(11/12/2019)