

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.06.2019

Coram

The Hon'ble Mr. Justice V.PARTHIBAN

W.P.No.13620 of 2019

1.S.Ganapathy
2.R.Ramesh Petitioners

vs.

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram-605 602 Respondent

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to consider the petitioner's representation dated 04.04.2019 for taking into account the Settlement dated 27.03.2017 entered into between the respondent and the similarly placed employees.

For Petitioners ... Mr.Rajmohan, J.

For Respondent Mr.K.Kulandeivelu for
M/s.Antony Arokiaraj

ORDER

The petitioners were initially appointed in the year 2000, after being sponsored by the local Employment Exchange, on 'daily wages basis' in the respondent Corporation and their appointments were subject to regularization by the Corporation. From that date onwards, it is the case of the petitioners that they have been continuously working for more than five years without any break. But their services were regularised only from the year 2005 onwards.

2.According to the petitioners, as per Section 3 (i) of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status to Workmen) Act, 1981, if any workman has completed 480 working days in 24 calendar months, he is

entitled to get permanent status. However, despite the petitioners continuously working for more than five years without any break, their services were regularised only from the year 2005 onwards.

3.It is the further case of the petitioners that similarly placed workmen had approached the Inspector of Labour, Trichy and their application was allowed and the Inspector of Labour, Trichy, directed the respondent to give permanent status to those employees numbering 44, with all monetary benefits. As against the said order, a writ petition was filed in W.P.(MD) No.4393 of 2004 and the same was dismissed by this Court on 27.07.2007, against which, an appeal was filed in W.A.(MD).No.711 of 2008 and the same was also dismissed on 18.12.2009. Thereafter, the respondent on 27.03.2017 had entered into individual settlement under Section 18(1) of the Industrial Disputes Act, 1947 with those employees and granted them the benefits. According to the petitioners herein, since they were also similarly placed as that of those 44 employees, they are also to be treated on par with those employees, in respect of the benefits conferred on them. In this connection, the petitioners had given representation on 04.04.2019, seeking same benefits as conferred on those employees by settlement dated 27.3.2017. However, their representation evoked no response from the respondent Corporation and hence, the petitioners are before this Court.

4.When the matter is taken up for hearing, the learned counsel for the petitioners seeks a direction to the respondent Corporation to dispose of the representation submitted by the petitioners.

5.Mr.K.Kulandeivelu, the learned Standing Counsel, takes notice on behalf of the respondent Corporation.

6.Since the direction as sought in the writ petition is limited in its scope, the writ petition is disposed of by directing the respondent Corporation to consider and pass a speaking order on the representation said to have been submitted by the petitioners on 04.04.2019, within a period of four weeks from the date of receipt of a copy of this order. The respondent Corporation is directed to consider the claim of these petitioners and pass a reasoned order by taking into account the settlement reached by the Corporation with its employees under Section 18(1) of the Industrial Disputes Act, dated 27.3.2017.

With the above direction, the writ petition shall stand disposed of. No costs.

Sd/-
Assistant Registrar(CS)

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Sub Assistant Registrar

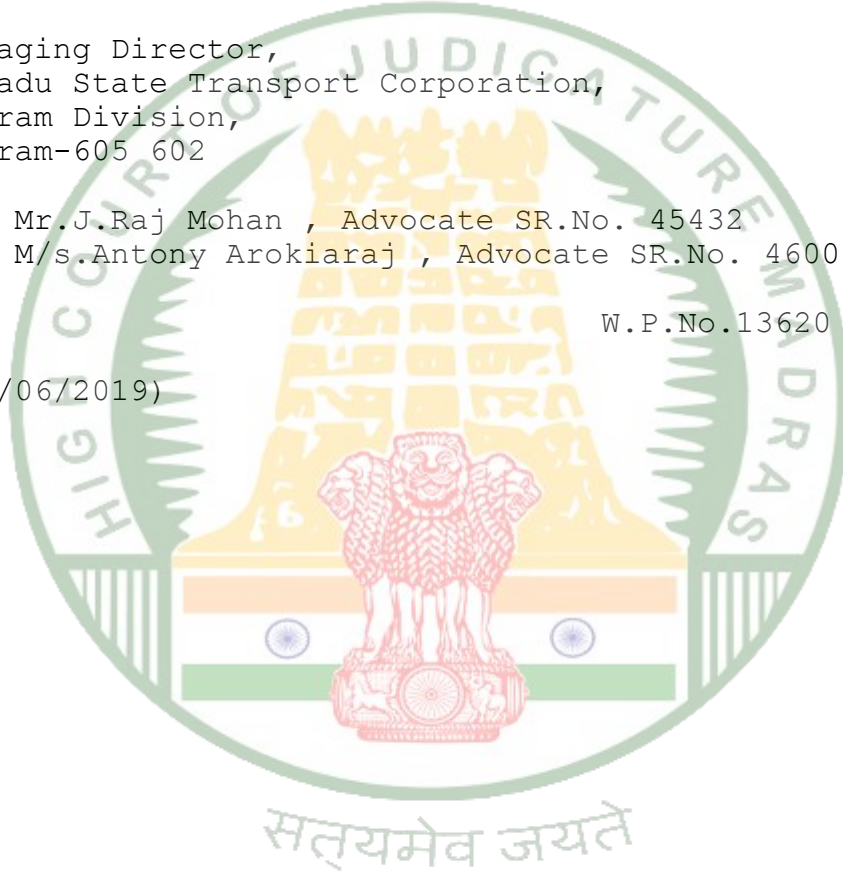
msk
To

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Division,
Villupuram-605 602

+1cc to Mr.J.Raj Mohan , Advocate SR.No. 45432
+1cc to M/s.Antony Arokiaraj , Advocate SR.No. 46009

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A.SK(27/06/2019)



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