

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.5548 & 5549 of 2013, 5591 to 5602 of 2013,
5780 to 5785 of 2013, 5820 to 5837 of 2013 and
5848 to 5854 of 2013

K.RAJASEKAR PETITIONER in WP No.5548 of 2013

K.CHITTIBABU PETITIONER in WP No.5549 of 2013

V.MANOCHARAN PETITIONER in WP No.5591 of 2013

R.GOPALAKRISHNAN PETITIONER in WP No.5592 of 2013

R.MANIMARAN PETITIONER in WP No.5593 of 2013

K.JAYARAMAN PETITIONER in WP No.5594 of 2013

P.DHARMAYAH PETITIONER in WP No.5595 of 2013

S.MURTHY PETITIONER in WP No.5596 of 2013

S.RUKMANGATHARAJU PETITIONER in WP No.5597 of 2013

J.SAKTHIVEL PETITIONER in WP No.5598 of 2013

E.ABDUL AZEES PETITIONER in WP No.5599 of 2013

S.K.VENKATESAN PETITIONER in WP No.5600 of 2013

K.SENTHILNATHAN PETITIONER in WP No.5601 of 2013

L.RAVICHANDRAN PETITIONER in WP No.5602 of 2013

S.AnandakumarPetitioner in WP.No.5780 of 2013

V.J.Baba RaoPetitioner in WP.No.5781 of 2013

M.SeyalveeranPetitioner in WP.No.5782 of 2013

M.BalanPetitioner in WP.No.5783 of 2013

I.RobinsonPetitioner in WP.No.5784 of 2013

R.MuruganPetitioner in WP.No.5785 of 2013

K.ElumalaiPetitioner in WP.No.5820 of 2013

A.PachaiappanPetitioner in WP.No.5821 of 2013

B.PakshirajanPetitioner in WP.No.5822 of 2013

R.VathanakandanPetitioner in WP.No.5823 of 2013

P.BabuPetitioner in WP.No.5824 of 2013

V.ChockalingamPetitioner in WP.No.5825 of 2013

P.Ravipetitioner in WP.No.5826 of 2013

K.VenkatesanPetitioner in WP.No.5827 of 2013

T.UmapathyPetitioner in WP.No.5828 of 2013

K.PalaniPetitioner in WP.No.5829 of 2013

A.VijayakumarPetitioner in WP.No.5830 of 2013

R.SuburajPetitioner in WP.No.5831 of 2013

S.SivanupandiPetitioner in WP.No.5832 of 2013

R.ManavalanPetitioner in WP.No.5833 of 2013

S.SrinivasanPetitioner in WP.No.5834 of 2013

R.Aruchamy	...Petitioner in WP.No.5835 of 2013
R.Elumalai	...Petitioner in WP.No.5836 of 2013
C.Ravikumar	...petitioner in WP.No.5837 of 2013
T.Prabhakaran	...Petitioner in WP.No.5848 of 2013
T.Kannan	...Petitioner in WP.No.5849 of 2013
S.Nithyandhan	...Petitioner in WP.No.5850 of 2013
A.P.Srinivasan	...Petitioner in WP.No.5851 of 2013
A.John Kennady	...Petitioner in WP.No.5852 of 2013
S.Manikandan	...Petitioner in WP.No.5853 of 2013
A.Sankaran	...Petitioner in WP.No.5854 of 2013

Vs

The General Manager, Tamilnadu
State Transport Corporation
Villupuram Ltd, Thiruvannamalai
Regisonal Villupuram Division
Thiruvannamalai District ...Respondent in WP.5548,5549
5592,5593,5594,5595,5596 to 5598
5560 to 5602 of 2013

The General Manager,
Tamil Nadu State Transport
Corporation Ltd Kancheepuram Division
Kancheepuram District ...Respondent in WP.No.5591 of 2013
R2 5599/2013

The General Manager
Metropolitan Transport Corporation Ltd
Pallavan Salai Chennai-2 ...Respondent in WP.5780 to 5785
5820 to 5837, 5848 to 5854 of 2013
R1-in WP.5599/2013

Prayer:Writ Petitions filed under Article 226 of the
Constitution of India, praying for the issuance of a Writ of
Certiorarified Mandamus

WP No.5548 of 2013

Calling for the records of the respondent relating to the
impugned order in No.29/179/ E7/ TNSTC (VPM) 2006-2 dated
8.9.2006 and quash the same as illegal and consequently
directing the respondent to issue order of regularization of
service of the petitioner after completion of 240 and in the
time scale of pay and to pay all other the monetary benefits
that may arise thereon with in a time limit

WP No.5549 of 2013

Calling for the records of the respondent relating to the impugned order in No.39/189/ E7/ TNSTC (VPM) 2006 dated 9.7.2008 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 and in the time scale of pay and to pay all other the monetary benefits that may arise thereon with in a time limit

WP No.5591 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No. 3879/Pa3/ Tha.Aa.Po.Ka. (Vi.)/Kanchi/05 dated 3.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5592 of 2013

Calling for the records of the respondent relating to the impugned order in No. Aa.Oo.Yen: 14853/Pa.Pe.3/ Tha.Aa.Po.Ka. (Villupuram) Vellore/2005 dated 06.09.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5593 of 2013

Calling for the records of the respondent relating to the impugned order in Pro.No. 23/173/E7/TNSTC (VPM)/2006 dated 11.07.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5594 of 2013

Calling for the records of the respondent relating to the impugned order in Proc.No. 29/179/E7/TNSTC (VPM)/2006-2 dated 08.09.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5595 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No. 11604/Pa.Pe.3/Tha.Aa.Po.Ka. (Villuppuram)/2006 dated 27.09.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5596 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No. 11604/Pa.Pe.3/Tha.Aa.Po.Ka. (Villuppuram)/2006 dated 27.09.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5597 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No.11604/PA.PE.3/ THA.Aa.PO.KA (Villuppuram)/2006 dated 27.9.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5598 of 2013

Calling for the records of the respondent relating to the impugned order in Proc No.34/ 184/E7 TNSTC(VPM)/2006-2 dated 17.10.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5599 of 2013

Calling for the records of the respondent relating to the impugned order No.22178/ PA.PE.(PO)2/ MA.PO.KA/ 2006-19 dated 14.11.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5600 of 2013

Calling for the records of the respondent relating to the impugned order in Pro.No.39/ 189/E7/ TNSTC (VPM)2006 dated 18.11.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5601 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No.11604/PA.PE.3/ THA.Aa.PO.KA (Villupuram)/ Vellure/2006 dated 23.11.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5602 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No.11604/PA.PE.3/ THA.Aa.PO.KA (Villupuram)/ Vellur/2006 dated 23.11.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all other the monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5802 of 2013

calling for the records on the file of the 3rd respondent under Ref : Dn/107/399/2013 dated 7.2.2013 quash the same as illegal and direct the 1st respondent herein to consider the representation dated 3.3.2013 submitted by the petitioner and regularise the construction put up by the petitioner on the property in accordance with the revised plan submitted to the 2nd respondent dated 5.3.2013

WP No.5821 of 2013

Calling for the records of the respondent relating to the impugned order in No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5822 of 2013

Calling for the records of the respondent relating to the impugned order No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5823 of 2013

Calling for the records of the respondent relating to the impugned Order No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5824 of 2013

Calling for the records of the respondent relating to the impugned order in Reference Order No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5825 of 2013

Calling for the records of the respondent relating to the impugned order No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5826 of 2013

Calling for the records of the respondent relating to the impugned order No.26335/ PA.PE.(PO)7/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5827 of 2013

Calling for the records of the respondent relating to the impugned order No.26335/ PA.PE.(PO)1/ MA.PO.KA/ 2005 dated 1.9.2005 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5828 of 2013

Calling for the records of the respondent relating to the impugned order No.26335/ PA.PE.(PO)2/ MA.PO.KA/ 2006-7 dated 7.9.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5829 of 2013

Calling for the records of the respondent relating to the impugned order No. 22178/PA.PE.(PO)2/ MA.PO.KA/2006-7 dated 07.09.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5830 of 2013

Calling for the records of the respondent relating to the impugned order No. 22178/PA.PE.(PO)2/ MA.PO.KA/2006-7 dated 07.09.2006 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5837 of 2013

Calling for the records of the respondent relating to the impugned order in Reference No. 22178/PA.PE.(PO)2/ MA.PO.KA/2006-28-A dated 25.06.2007 and quash the same as illegal and consequently directing the respondent to issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5848 of 2013

calling for the records of the respondent relating to the impugned order No.26335/ PA.PE (PO)1/MA.PO.KA/2005 dt 1.9.2005 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5849 of 2013

calling for the records of the respondent relating to the impugned order No.26335/ PA.PE (PO)1/MA.PO.KA/2005 dt 1.9.2005 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5850 of 2013

calling for the records of the respondent relating to the impugned order No.26335/ PA.PE (PO)1/MA.PO.KA/2005 dt 1.9.2005 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5851 of 2013

calling for the records of the respondent relating to the impugned order No.26335/ PA.PE (PO)1/MA.PO.KA/2006 dt 1.9.2006 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5852 of 2013

calling for the records of the respondent relating to the impugned order No.22290/ PA.PE (PO)1/MA.PO.KA/2006-2 dt 12.9.2006 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5853 of 2013

calling for the records of the respondent relating to the impugned order No.22290/ PA.PE (PO)1/MA.PO.KA/2006-4 dt

16.10.2006 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

WP No.5854 of 2013

calling for the records of the respondent relating to the impugned order No.22290/ PA.PE (PO)1/MA.PO.KA/2006-7 dt 26.12.2006 and quash the same as illegal and consequently directing the respondent issue order of regularization of service of the petitioner after completion of 240 days and in the time scale of pay and to pay all the other monetary benefits and service benefit that may arise thereon with in a time limit

For Petitioner in : Mr.R.Y.George Williams
all W.Ps.
For Respondent in : Mr.C.S.K.Sathish
W.P.Nos.5548 & 5549
of 2013
W.P.Nos.5591 to : Mr.K.Kathiresan-R2 inWP5599/13
5602 of 2013
W.P.Nos.5780 to : Mr.K.Moorthy-R1 in WP.5599/13
5785 of 2013 and
W.P.No.5820 to 5837
of 2013 and
W.P.No.5848 to 5854
of 2013

COMMON ORDER

All the writ petitions have been filed by the drivers and conductors of various State Transport Corporation in the State of Tamilnadu challenging the impugned order and seek regularisation of their service on completion of 240 days in the time scale of pay with all other monetary benefits.

2. According to the learned counsel appearing for the petitioner, till the year 2005, 12(3) Settlement was arrived between the Management and the petitioners' Union on 31.8.2005. As per the aforesaid settlement entered into between the parties, service of the writ petitioners ought to have been regularised with effect from the date of their joining in service.

3. According to the petitioners, they made representations to the respondent to consider their representations and regularise their service from the date of their initial appointment on completion of 240 days. However, without considering the said representations, the impugned orders have been passed by the respondent. Therefore, the petitioners have filed the present writ petitions before this Court for the relief stated supra.

4. According to the learned counsel appearing for the petitioners, it is suffice to direct the respondent to consider their representations and pass orders within the time as may be fixed by this Court.

5. The learned Standing counsel appearing for the respondent opposed the writ petitions by stating that the writ petitioners being members of the aforesaid trade union already entered into 12(3) Settlement, cannot reconsider the said agreement entered into between the Management and the trade union and the same was acted upon the orders passed by the respondent in regularisation of the service of the writ petitioners.

6. The claim of the writ petitioners is that they admitted that 12(3) Settlement was entered into between the Management and the Trade Union and consider their case on humanitarian ground and pass appropriate orders by taking into account their eligibility for the purpose of pensionary benefits.

7. Recording the submissions made by the parties, these writ petitions are disposed of by granting liberty to the petitioners to submit representation individually before the respondent in the respective writ petitions within two weeks from the date of receipt of a copy of this order and on receipt of such representation, the concerned respondent is directed to consider the said individual representation of the petitioners to be filed and pass appropriate orders on merit and in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of copy of the order.

8. All the writ petitions are disposed of with the above directions. No costs. Connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To
The General Manager, Tamilnadu
State Transport Corporation
Villupuram Ltd, Thiruvannamalai
Regisonal Villupuram Division
Thiruvannamalai District

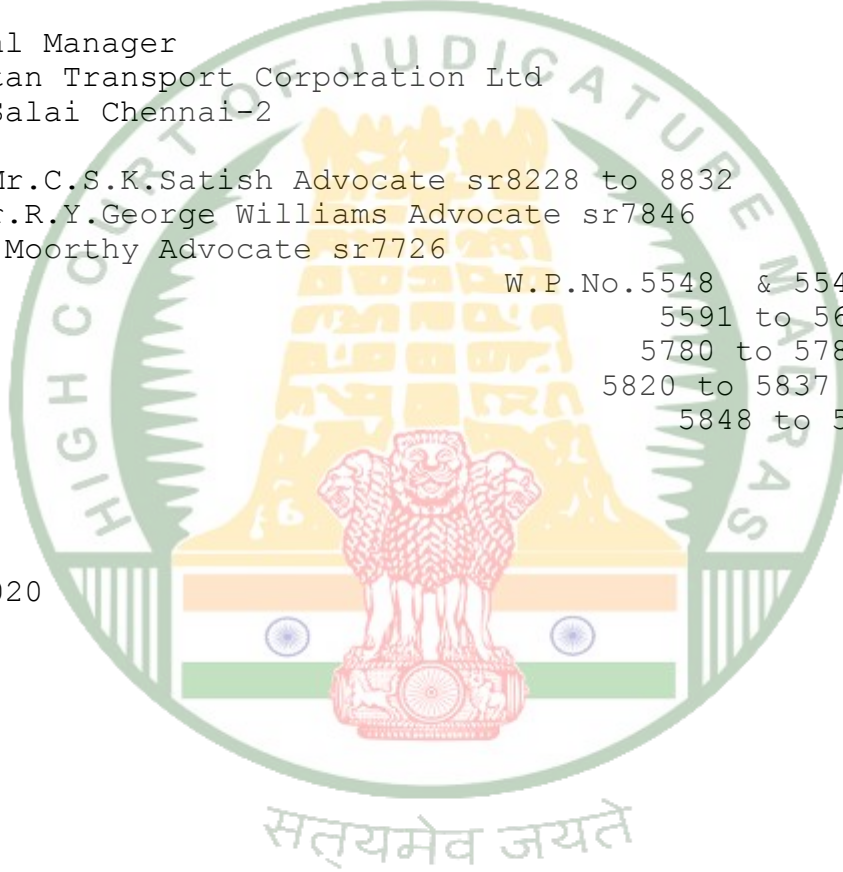
The General Manager,
Tamil Nadu State Transport
Corporation Ltd Kancheepuram Division
Kancheepuram District

The General Manager
Metropolitan Transport Corporation Ltd
Pallavan Salai Chennai-2

+5ccs to Mr.C.S.K.Satish Advocate sr8228 to 8832
+1cc to Mr.R.Y.George Williams Advocate sr7846
+1cc to K.Moorthy Advocate sr7726

W.P.No.5548 & 5549 of 2013,
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