



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.2092 of 2014

and

M.P. (MD)No.1 of 2014

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M.Eswaran

... Petitioner

Vs.

1. The Management of TamilNadu State
Transport Corporation,
(Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport
Corporation,
(Kumbakonam) Limited,
Pudukkottai Region,
Pudukkottai.
3. The General Manager,
The Tamil Nadu State Transport
Corporation,
(Kumbakonam) Limited,
Tiruchirappalli Region,
Tiruchirappalli.
4. The Branch Manager,
Pudukkottai Town Branch,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Pudukkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to regularize the services of the petitioner in the post of Conductor with effect from 28.02.2012 ie., the date on which the petitioner completed 240 days of service within one year and further directing the respondents to pay arrears of difference in salary and all other attendant benefits payable to him for the period from 28.02.2012 to till the date of confirmation in service.



For Petitioner : Mr.A.Rahul
For Respondents : Mr.D.Sivaraman
for R.1 to R.3
: No Appearance for R.4

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ORDER

The relief sought for in the present writ petition is to direct the respondents to regularize the services of the petitioner in the post of Conductor with effect from 28.02.2012 ie., the date on which the petitioner completed 240 days of service within one year and further directing the respondents to pay arrears of difference in salary and all other attendant benefits payable to him for a period from 28.02.2012.

2. The writ petitioner was appointed as Conductor on temporary basis in proceedings dated 24.02.2011 and he joined duty with effect from 30.03.2011. The contention of the petitioner is that on completion of 240 days of services, he is entitled to be regularized in the permanent post of Conductor. However the benefit of regularization was not granted.

3. Learned Counsel appearing on behalf of the respondents Corporation made a submission that the writ petitioner was facing certain vigilance enquiry and after the completion of the vigilance enquiry, he has to be brought under the category of daily wages Conductor. Thereafter his case has to be considered for permanent absorption. Initially, the petitioner was appointed as reserved Conductor on 28.02.2011 and on account of the said vigilance enquiry, his name was not considered for the post of temporary Conductor on daily wages, as he was not found eligible during the relevant point of time. Subsequently, after the enquiry, he was considered for posting as temporary Conductor on daily wages and he was appointed with effect from 04.07.2019 as per the rules in force, as temporary Conductor on daily wages and on completion of 240 days of service, he is entitled to regularize in the permanent post. This being the rules in force, the case of the writ petitioner would be considered on completion of 240 days service in one calendar year from the date on which he was engaged in the post of temporary Conductor on daily wages.

4. Thus it is made clear that the petitioner has to complete 240 of service in one calendar year. This being the position, the petitioner has to wait for the completion of 240 days of service in one calendar year and thereafter his case has to be considered in accordance with the rules in force and by following the procedures contemplated.



5. Learned Counsel appearing on behalf of the respondents Transport Corporation made a submission that the case of the petitioner will be considered as per his turn and on completion of 240 days of service in one calendar year.

6. This being the factum established, no further relief as such sought for in the writ petition is required to be granted. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)

SSL

+1 CC to Mr.A.RAHUL, Advocate (SR-20194[F] dated 15/10/2020)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-20355[F] dated 16/10/2020)

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SS (CO)

CS (02.11.2020) 3P 3C