

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P.Nos.4969 to 4974 of 2015

W.P.No.4969 of 2015
A.Afroze

W.P.No.4970 of 2015
K.Moorthi

W.P.No.4971 of 2015
V.Karunaneethi

W.P.No.4972 of 2015
K.Vijayakumar

W.P.No.4973 of 2015
K.Selvam

W.P.No.4974 of 2015
S.Baskar

... Petitioners

Vs

The General Manager,
Tamil Nadu Transport Corporation Limited,
Villupuram Division - II, Vellore Divisional Office,
Rangapuram, Vellore, Vellore District.

... Respondent in all WPs

Common Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to dispose the petitioner's representation dated 12.06.2014 in accordance with the provisions of the Tamil Nadu Industrial Establishments [Conferment of permanent status to workmen] Act, 1981 within a stipulated period.

For Petitioner : Mr.E.Srinivasan

For Respondent : Mr.C.S.K.Sathish

COMMON ORDER

These writ petitions have been filed to direct the respondent to dispose the petitioners' representation dated 12.06.2014 in accordance with the provisions of the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981 within a stipulated period.

2. According to the petitioners, they were appointed as Drivers in the respondent Transport Corporation on casual basis and were subsequently, designated as 'daily wages' and thereafter, they were paid monthly salary. Since the petitioners have worked more than 480 days in 24 calendar months, the respondent has to regularize their services from the date of their appointment under the Tamil Nadu Industrial Establishments [Conferment of Permanent Status to Workmen] Act, 1981, but they have not done so. Further, the past services of the petitioners have not been taken into consideration by the respondent. Hence, the petitioners made representations dated 12.06.2014 to the respondent to consider their past services and regularize their services with retrospective effect. Finding no response on the said representations, the present writ petitions came to be filed.

3. Today when the matters were taken up for consideration, the learned counsel for the petitioners submitted that the issue involved herein has already been considered by this Court in S.Sundar and others Vs. State of Tamil Nadu, rep. by its Secretary to Government, Environment and Forest Department, Secretariat, Chennai 600 009 and others reported in 2012 - II - L.L.J. 298 [Mad] wherein it was held that "Every workman who is in continuous service for a period of 480 days in a period of 24 calendar months shall be made permanent if the industrial establishment concerned is covered under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1984". Hence, it would suffice, if the representation of the petitioner is directed to be considered by the respondent in the light of the said decision within a time frame to be stipulated by this Court.

4. The learned counsel appearing for the respondent has no serious objection for granting such relief to the petitioners.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representations dated 12.06.2014 submitted by the petitioners, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the decision in S.Sundar v. State (cited supra), within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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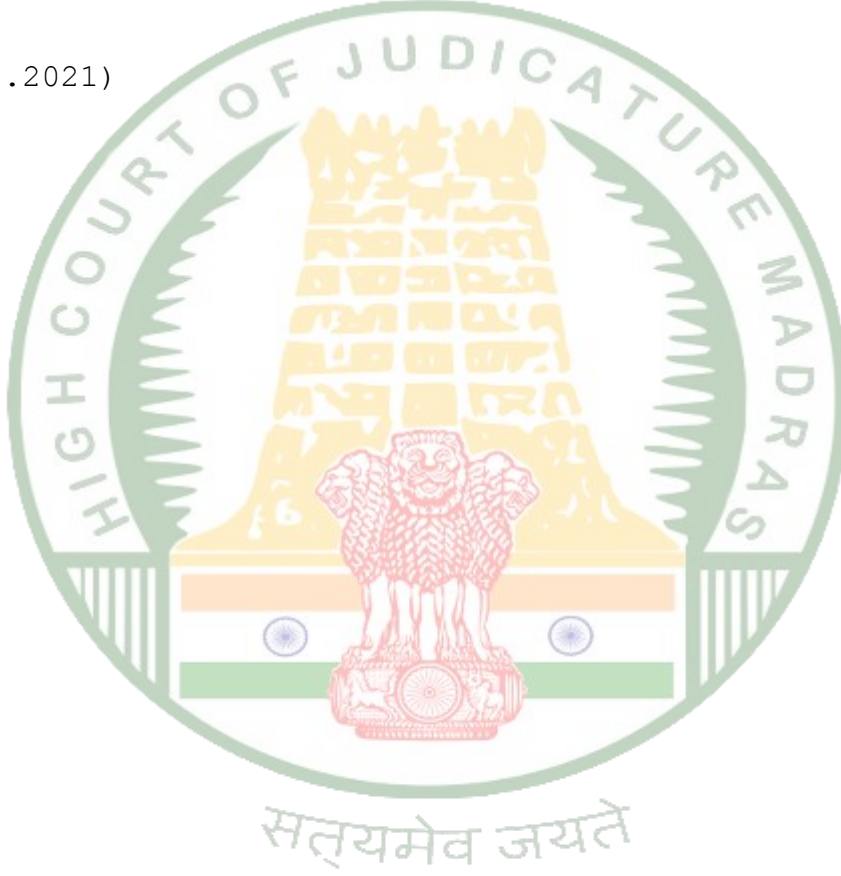
The General Manager,
Tamil Nadu Transport Corporation Limited,
Villupuram Division - II, Vellore Divisional Office,
Rangapuram, Vellore, Vellore District.

+6ccs to Mr.E.Srinivasan, Advocate SR.No. 9287 to 9892

+6ccs to Mr.C.S.K.Sathish, Advocate SR.No. 9732 to 9737

W.P.Nos.4969 to 4974 of 2015

KV(CO)
A.SK(08.07.2021)



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