

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.14642 to 14654 of 2014

&

WMP.Nos.15680 to 15690 of 2016

K.Anburaj	...	Petitioner in W.P.No.14642 of 2014
S.A.Venkat	...	Petitioner in W.P.No.14643 of 2014
R.Rajendran	...	Petitioner in W.P.No.14644 of 2014
S.Syed Ibrahim	...	Petitioner in W.P.No.14645 of 2014
K.Kuppusamy	...	Petitioner in W.P.No.14646 of 2014
R.Meyyazhagan	...	Petitioner in W.P.No.14647 of 2014
P.Soundararaj	...	Petitioner in W.P.No.14648 of 2014
V.Durairaj	...	Petitioner in W.P.No.14649 of 2014
M.Ayyasamy	...	Petitioner in W.P.No.14650 of 2014
Udhaya Suriyan	...	Petitioner in W.P.No.14651 of 2014
R.Manoharan	...	Petitioner in W.P.No.14652 of 2014
K.Saminathan	...	Petitioner in W.P.No.14653 of 2014
A.Rajkumar	...	Petitioner in W.P.No.14654 of 2014

Vs

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division,
37, Mettuppalayam Road,
Coimbatore - 641 043.
2. The General Manager,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division - 2,
Chennimalai Road,
Erode - 638 001.

... Respondents in all WPs.

Common Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to pass appropriate orders regularizing the services of the petitioner with scale of pay and all other attendant benefits from the date of completion of 480 days of service, duly implementing the orders in No.E/4609/2003 dated 31.5.2005 passed by the Authority under the Tamilnadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, as confirmed by the orders of the

Hon'ble High Court in W.P.Nos.31322 & 31323 of 2005 dated 11.01.2013.

For Petitioners : Mr.P.M.Subramanian
for Ms.S.Girija in all Wps

For Respondents : Mr.Sundaravadanam, in all WPs

COMMON ORDER

These writ petitions have been filed seeking a direction to the respondents to regularize the services of the petitioners and pay all the attendant benefits from the date of completion of 480 days of service, by implementing the order in No.E/4609/2003 dated 31.05.2005 passed by the Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, as confirmed by the order of this Court dated 11.01.2013 in W.P.Nos.31322 and 31323 of 2005.

2.Since the relief sought in all these writ petitions is of similar nature, they were heard together and are decided by this common order.

3.According to the petitioners, they joined as Conductor in the respondent Corporation on daily wage basis and were continuously working as such without any break. While so, the respondent Corporation terminated the petitioners from service, without any intimation and without following the relevant provisions of law. Challenging the said termination, they filed writ petitions, which were disposed of by this Court, directing the respondent to find out whether they worked for more than 240 days in a year and reinstate them with backwages and other benefits. Pursuant to the said order, the petitioners were reinstated in service. The service details of the petitioners are given below:

Sl.	WP numbers	Name of the Petitioners	Appointme nt Date	Terminati on Date	Date of reinstatem ent
1.	14642 of 2014	K.Anburaj	12.11.1993	09.07.1996	07.12.1999
2.	14643 of 2014	S.A.Venkat	06.11.1993	18.07.1996	10.04.1999
3.	14644 of 2014	R.Rajendran	03.09.1993	09.07.1996	08.09.1999
4.	14645 of 2014	S.Syed Ibrahim	09.06.1996	16.07.1996	24.04.1999

Sl.	WP numbers	Name of the Petitioners	Appointme nt Date	Terminati on Date	Date of reinstatem ent
5.	14646 of 2014	K.Kuppusamy	17.11.1994	10.07.1996	18.09.1999
6.	14647 of 2014	R.Meyyazhagan	13.02.1994	10.06.1996	29.04.2000
7.	14648 of 2014	P.Soundararaj	28.12.1993	17.06.1996	24.04.1999
8.	14649 of 2014	V.Durairaj	03.11.1993	07.07.1996	12.04.2000
9.	14650 of 2014	M.Ayyasamy	13.06.1995	16.07.1996	14.04.2000
10.	14651 of 2014	C.Udhaya Suriyan	13.11.1994	10.07.1996	11.04.1999
11.	14652 of 2014	R.Manoharan	20.12.1993	04.07.1996	10.04.1999
12.	14653 of 2014	K.Saminathan	12.06.1993	10.07.1996	26.05.2000
13.	14654 of 2014	A.Rajkumar	06.11.1993	21.08.1995	26.12.1999

Thereafter, the petitioners approached the Authority under the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, (in short, 'the Act, 1981') seeking regularisation and other benefits. By order dated 31.05.2005, the said Authority directed the respondent Corporation to confer the petitioners permanency from the date of completion of 480 days of service in 24 calender months. Enclosing the said order, the petitioners made representation dated 04.07.2005 to the Management, which were not considered. It is the further case of the petitioners that similarly placed persons approached this Court by filing WP.Nos.31322 and 31323 of 2005, seeking regularisation as per the order passed by the said Authority and this Court by order dated 11.01.2013 disposed of the writ petitions, directing the respondent to give the benefit of the order dated 31.05.2005 to the petitioners therein within a period of two weeks from the date of receipt of copy of the order. Seeking to extend the said benefit, the petitioners have come up with these writ petitions.

4. When the matters were taken up for consideration, the learned counsel for the petitioners submitted that it would suffice, if the petitioners' representations dated 26.06.2013 and 15.07.2013 claiming the same relief as sought herein, are directed to be considered by the respondent Corporation, in the

light of the orders passed by the said Authority as well by this Court.

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

6.Considering the limited relief now sought by the learned counsel for the petitioners, which has been agreed upon by the learned counsel appearing for the respondents, this Court directs the respondent Corporation to consider the petitioners' representations dated 26.06.2013 and 15.07.2013, if not already considered, and pass appropriate orders, in the light of the order dated 31.05.2005 passed by the Authority under the Act, 1981 and the order of this Court dated 11.01.2013 in WP.Nos.31322 and 31323 of 2005, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7.These Writ Petitions are disposed of with the above direction. No costs. Consequently, connected Miscellaneous petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Managing Director,
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division,
37, Mettuppalayam Road,
Coimbatore - 641 043.

2. The General Manager, सतयमेव जयते
Tamilnadu State Transport Corporation Ltd.,
Coimbatore Division - 2
Chennimalai Road,
Erode - 638 001.

+13 CCS to Ms.S.Girija, Advocate sr 5791 to 5803.
+1 CC to Mr.A. Sundaravadhanan, Advocate sr 5320.

W.P.Nos.14642 to 14654 of 2014
and
WMP.Nos.15680 to 15690 of 2016

SP(19/02/2021)