



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9747 of 2021

WEB COPY

P.Kanagarasu

... Petitioner

Vs.

1.The General Manager(Administration)
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
No.27, Railway Station New Road,
Kumbakonam-612 001.

2.The General Manager(Administration)
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Nagai Region, 140 Public Office Road,
Velipalayam, Nagapattinam-611 001.

3.The Assistant Commissioner of Labour (Enforcement)
And Inspector
Under Section 4 of Tamil Nadu Industrial
Establishments (Conferment of Permanent Status
to Workmen)
Act 1981, Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to confer permanent status on the petitioner with effect from 24.11.2002 ie., from the date of completion of 480 days of service within 24 calendar months, in terms of the order passed by the 3rd respondent in Na.Ka.No.Aa1981/14 dated 20.06.2019 and also by considering the representations of the petitioner dated 21.12.2020 and 08.01.2021 within a time limit that may be fixed by this Court.

For Petitioners : Mr.A.Rahul
For R1 : Mr.D.Sivaraman
Standing Counsel

ORDER

Mr.D.Sivaraman, learned Standing Counsel, accepts notice on behalf of the first and second respondents.



2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to confer permanent status on the petitioner with effect from 24.11.2002 ie., from the date of completion of 480 days of service within 24 calendar months, in terms of the order passed by the third respondent in Na.Ka.No.Aa1981/14 dated 20.06.2019 and also by considering the representations of the petitioner dated 21.12.2020 and 08.01.2021.

4. The case of the petitioner is that he joined as Driver in the Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., on 11.04.2001 and after completion of 480 days of service, the respondents have not regularized the petitioner's service. Thereafter, the petitioner's service was regularized with effect from 01.07.2006. Due to which, the petitioner went out the coverage of the pension scheme of the Transport Corporation. Hence, the petitioner has filed a petition under Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 before the third respondent. After hearing an elaborate enquiry, the third respondent directed the respondents 1 and 2 to confer permanent status to the petitioner from the date on which he completed 480 days of service. Till date, the said order was not implemented. Hence, the petitioner has made representations dated 21.12.2020 and 08.01.2021 to the respondents 1 and 2. Since no order has been passed by the respondents 1 and 2, the present writ petition is filed.

5. The learned counsel appearing for the petitioner would state that it would be suffice if a direction is given to the respondents to dispose the petitioner's representations.

6. The learned standing counsel appearing for the first and second respondents would state that the petitioner's representations would be disposed of within a time frame.

7. Considering the submissions of the learned counsel for the petitioner as well as the counsel for the first and second respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representations or in this Writ Petition, the respondents 1 and 2 are directed to consider the representations of the petitioner dated 21.12.2020 and 08.01.2021 and pass orders on merits and in accordance with law, in the light of the order passed by the third respondent dated 24.11.2002, within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(Records)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The General Manager(Administration)
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
No.27, Railway Station New Road,
Kumbakonam-612 001.
- 2.The General Manager(Administration)
Tamil Nadu State Transport Corporation
Kumbakonam Ltd.,
Nagai Region, 140 Public Office Road,
Velipalayam, Nagapattinam-611 001.
- 3.The Assistant Commissioner of Labour (Enforcement)
And Inspector
Under Section 4 of Tamil Nadu Industrial
Establishments (Conferment of Permanent Status
to Workmen)
Act 1981, Thanjavur.

+1 CC to M/s.SPL GP (SR-18938[F] dated 07/06/2021)

+1 CC to M/s.A.RAHUL, Advocate (SR-19019[F] dated 08/06/2021)

W.P (MD)No.9747 of 2021

04.06.2021

mj (CO)

TR(17.06.2021) 3P 6C