



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) Nos.19916 and 19917 of 2021

1. P.Balamurugan

... Petitioner in
W.P.(MD)No.19916 of 2021

2. S.Annaraj

... Petitioner in
W.P.(MD)No.19917 of 2021

versus

The Managing Director,
Rep. by the Management,
Tamil Nadu State Transport Corporation,
Madurai Division,
By-pass Road,
Madurai - 625 016.

... Respondent in both W.Ps.

COMMON PRAYER:

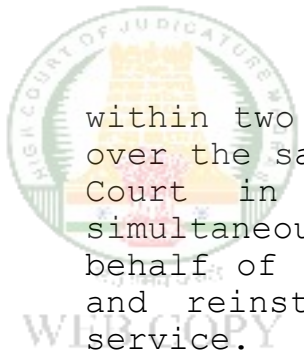
Writ Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent to extend the benefits given to the petitioners in the batch of writ petitions in W.P.(MD)Nos.5,6,7,9,10 and 12 of 2015, 425 to 431 of 2015, 14443 of 2012, 3195, 3202, 3210, 4379 to 4385, 4495 to 4504, 7643 to 7650, 7904, 7905, 9559 to 9563 of 2013 to the petitioner.

For Petitioner	
in both W.Ps.	: Mr.C.M.Arunachalam
For Respondent	
in both W.Ps.	: Mr.J.Senthilkumariah
	Standing Counsel

COMMON ORDER

These writ petitions have been filed for a Mandamus, directing the respondent to extend the benefits given in batch of writ petitions in W.P.(MD)Nos.5,6,7,9,10 and 12 of 2015, 425 to 431 of 2015, 14443 of 2012, 3195, 3202, 3210, 4379 to 4385, 4495 to 4504, 7643 to 7650, 7904, 7905, 9559 to 9563 of 2013 to the petitioner.

2. The petitioners were employed as Drivers on daily wage basis from the year 2003 and 2005 respectively. While so, in the year 2007, the petitioners were terminated from service. Challenging the termination of service, similarly placed persons moved the Labour Court. The Labour Court, after hearing both sides, held that the daily wagers are entitled to get the relief of reinstatement as Casual Worker with continuity of service, but without backwages and other attendant benefits. The Labour Court also directed the Management to reinstate the employees as casual workers on daily wage basis on the same conditions existed before,



within two months from the date of receipt of the award. Aggrieved over the said award, the Management filed writ petitions before this Court in W.P.(MD)Nos.5, 6, 7, 9, 10 and 12 of 2015 and simultaneously, W.P.(MD)Nos.425 to 431 of 2015 have been filed on behalf of the employees against the denial of permanent employment and reinstatement from the date of completion of 240 days of service. This Court, vide order dated 24.05.2017, set aside the award passed by the Labour Court insofar as not directing the Transport Corporation to reinstate the workmen in service in permanent post from the date of completion of 240 days of service and dismissed the writ petitions filed by the Transport Corporation. Claiming the same benefits, the petitioners are before this Court.

3. Today, when the matter is taken up for hearing, the learned Standing Counsel for the respondent Transport Corporation submits that the petitioners herein, without moving the Labour Court, have straight away filed these writ petitions before this Court. Whether the petitioners were continuously employed on daily wages and they are similarly placed or not can be established only by adducing evidence before the Labour Court. He further submits that without verifying the documents whether they were employed in 2003 as claimed by them or not cannot be adjudicated in this jurisdiction. The petitioners claim that the petitioners are similarly placed that of the petitioners in W.P.(MD)Nos.5 of 2015, etc. In absence of any materials, this Court cannot presume the petitioners are similarly placed.

4. In view of the above, both the writ petitions are dismissed with liberty to the petitioners to raise all the issues before the Labour Court. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Division, By-pass Road, Madurai - 625 016.

+2 CC to M/s.C.M.ARUMUGAM, Advocate (SR-33700[F] dated 08/11/2021)

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