



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

W.P(MD)No.16465 of 2020

C.Balakrishnan

... Petitioner

Vs.

1.The Director,
Director of Vigilance & Anti Corruption,
No.293, M.K.N. Road,
Alandhur, Chennai -16.

2.The Managing Director,
Tamil Nadu state Transport Corporation (Madurai) Ltd.,
Dindigul Region, By pass Road, Madurai - 10.

3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region, By pass Road,
Dindigul -4 .

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondent to take necessary action against the 2nd and 3rd respondents.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.K.K.Ramakrishnan,

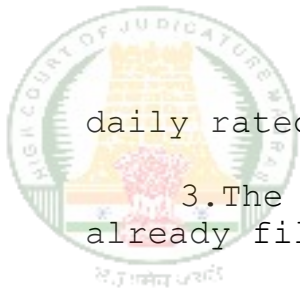
Additional Public Prosecutor, for R1.

: Mr.J.Senthil Kumaraiah, for R2 & R3.

ORDER

The above petition has been filed seeking orders for the issuance of a writ of mandamus or any other writ order or direction, directing the 1st respondent to take necessary action against the respondents 2 and 3.

2.The petitioner's main contention is that from 2014 onwards, there are about 180 drivers and 50 conductors doing work as daily rated employees without giving permanent status, that if anyone asked with the respondents 2 and 3 regarding permanent status, they replied that there is no vacancy available with the Respondent Corporation, that the petitioner came to know through the reply received in response to his RTI application that 230 employees were transferred from other region to the respondent region, on their own wish/preferences, that more than 1200 employees were retired from service and more than 50 employees went on VRS Scheme and more than 150 employees died during the period from 01.01.2014 to 20.11.2018 and that since more than 1400 vacancies are available, the respondents 2 and 3 did not provide permanent status to the 230



daily rated employees.

3.The first respondent as well as the third respondent have already filed their counter affidavits.

4.When the matter was taken up for hearing on earlier occasion, the learned counsel for the respondents 2 and 3 had represented that for the most of the employees referred by the petitioner, orders have already been passed as per G.O.(D)No.4 and he sought time to file a status report in this regard. Accordingly, the third respondent has filed the status report and whereunder it has been stated that though the appointment of Reserve Crew Driver and Conductor was introduced in the year 2007 vide G.O.Ms.No.41, that the Corporation had reduced certain buses and withdrawn the uneconomical service routes due to financial crisis and therefore, they could not be able to give daily wage order to the Reserve Crew employees, that the Government in the meanwhile on 06.01.2020 had granted one time relaxation to elevate the Reserve Crew employees, to daily paid cadre as per the norms vide G.O.(D)No.4, that before passing of the said G.O, 144 reserve crew drivers and 8 conductors were worked in the third respondent region, that after passing of the above G.O., the management has issued daily wage orders to 139 reserve crew drivers and 7 reserve crew conductors, that disciplinary proceedings are pending as against one reserve driver and one reserve conductor for their misconduct, that one person is declared as unfit to drive the vehicle and that the balance 3 reserve drivers' daily wage order proposal is under process.

5.When the matter is taken up for hearing today (i.e.04.03.2021), the learned counsel for the petitioner would submit that the Court can dispose of the petition, after recording the status report filed by the third respondent. The status report filed by the third respondent is recorded.

6.In view of the above, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Director,
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No.293, M.K.N. Road,
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<https://hcservices.ecourts.gov.in/hcservices/>



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TP (CO)
KB(17.03.2021) 3P 4C