



WEB COPY

W.P.No.3644 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3644 of 2019

Mr.S.Jeyachandran

... Petitioner

Vs.

1.The Managing Director,
The Tamil Nadu Transport Corporation
(Salem) Ltd.,
Salem Division, No.12,
Ramakrishna Road,
Salem – 7.

2.The General Manager,
The Tamil Nadu Transport Corporation
(Salem) Ltd.,
Salem Division, No.12,
Ramakrishna Road,
Salem – 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pass orders on the representations dated 03.02.2018 by sanctioning the pension to the petitioner as per the Tamil Nadu State Transport Corporation Employees' Pension Fund Rule 8.



For Petitioner : Mr.R.Balamurugan

For Respondents : Mr.R.Babu

ORDER

The relief sought for in the present writ petition is to direct the respondents to pass orders on the representation dated 03.02.2018 submitted by the writ petitioner.

2. The petitioner states that he was initially appointed as daily wages conductor on 22.09.1997. He was removed from service on 03.05.2000 and thereafter, he raised an Industrial Dispute in I.D.No.113 of 2001. Pursuant to the award passed by the Labour Court, he was reinstated in service as a fresh entrant on 01.06.2005. Since the petitioner was appointed as fresh entrant into the Corporation services, his services were regularised based on the date of appointment as per the terms and conditions stipulated in the award. The petitioner served as such and retired from the service and his terminal and pensioner benefits were settled. Now after retirement, the petitioner submitted a representation stating that his daily wage services are to be regularised for the purpose of calculating the pensionary benefits.



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3. This Court is of the considered opinion that the petitioner was initially appointed as daily wage employee and he was terminated from the service. Pursuant to the award, he was appointed as a fresh entrant and the benefit of regularisation was given from the date on which he was appointed and accordingly, the qualifying services were calculated and the pensionary benefits were settled. Now after a lapse of several years, the petitioner cannot turn around and claim the benefit of regularisation from the date on which he was appointed as daily wage employee on temporary basis. Thus, the petitioner has not established any right for the purpose of considering the relief.

4. Accordingly, the Writ Petition stands dismissed. No costs.

24.11.2022

Jeni

Index : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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