



WEB COPY



W.P.No.17202 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17202 of 2016

R.Jagannathan

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Tamil Nadu State Transport Corporation Department,
Fort St. George,
Chennai – 600 009.

2.Tamil Nadu State Transport Corporation,
Rep. by its General Manager,
Coimbatore Division,
37, Mettupalayam Road,
Coimbatore – 641 043.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to consider the representation dated 17.03.2016 given by the petitioner to the 2nd respondent within the time limit stipulated by this Court.



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For Petitioner : Mr.E.P.Senniyangiri
For Respondents : Mr.R.P.Murugan Raja
Government Advocate for R1

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to consider the representation submitted by the writ petitioner on 17.03.2016.

2.The representation submitted by the writ petitioner reveals that he was engaged as a Canvasser in Karur Bus stand. He is serving as such for the past about twenty three years and therefore, he should be permanently absorbed in the services of the Transport Corporation. The very claim of the writ petitioner is misconceived. The petitioner has not established that he was appointed by the competent authority of the Transport Corporation. Engaging a Canvasser on commission basis would not confer any right on the petitioner to claim permanent absorption in the services of the Transport Corporation. Unless the petitioner has been appointed by the competent authority in accordance with the recruitment



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rules he cannot be considered for grant of regularization or permanent absorption.

Thus, the very representation sent to the respondents is untenable and the petitioner has not established any right for grant of the relief sought for in his representation. In the absence of establishing any right, no writ is entertained. Only if right or infringement of right has been established, then alone the High Court may entertain a writ petition, but not otherwise. Merely issuing a direction to consider the representation in a mechanical manner would do no service to the cause of justice and therefore, the petitioner is not entitled for the relief.

3. Accordingly, this writ petition stands dismissed. No Costs.

11.11.2022

Index : Yes
Internet : Yes
Speaking order : Yes / No
ssr

To

1. The Secretary to Government,
State of Tamil Nadu,
Tamil Nadu State Transport Corporation Department,
Fort St. George,
Chennai – 600 009.



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S.M.SUBRAMANIAM, J.

SSR

2.The General Manager,
Tamil Nadu State Transport Corporation,
Coimbatore Division,
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Coimbatore – 641 043.

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