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W.P.(MD)NO.2369 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2369 of 2022

K.Annadurai

... Petitioner

Vs.

1. The Management of Tamil Nadu State
Transport Corporation (Madurai) Ltd.,
Rep. By its Managing Director,
Madurai Bye-pass Road,
Madurai.

2. The Management of Tamil Nadu State
Transport Corporation (Madurai) Ltd.,
Rep. By its General Manager,
Virudhunagar Region,
Madurai Bye-pass Road,
Virudhunagar.

3. The Labour Inspector,
137, Kandhapuram Street,
Virudhunagar.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to confer the permanent status upon the petitioner and make him permanent in the post of Conductor with effect from 12.12.2012 with time scale of pay, salary arrears payable thereon along with all other attendant benefits as per the order of the Inspector of Labour,



Virudhunagar passed in Na.Ka.No.263/2013 dated 07.03.2014 as confirmed in W.P.(MD).No.9465/2014 dated 22.04.2015 and WA.(MD).No.768/2015 dated 28.11.2019 within a time frame that may be fixed by this Court.

For Petitioner : Mr.Ajoy Khose,
for Mr.A.Rahul.

For R-1 & R-2 : Mr.J.Senthil Kumaraiah

For R-3 : Mr.A.K.Manikkam,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioner joined as Reserve Crew in the respondent Corporation on 21.02.2021. He submitted a petition before the third respondent seeking conferment of permanent status. Since the petitioner had put in 480 days of service out of 24 consecutive calendar months, the third respondent rightly passed the order allowing the petition filed by the writ petitioner on 07.03.2014. The order came into force from 12.12.2012. The said order was put to challenge by



the management in W.P.(MD)No.9465 of 2014. It was dismissed on 22.04.2015. W.A.(MD)No.768 of 2015 filed before the Hon'ble Division Bench was also dismissed on 28.11.2019. This writ petition has been filed only to seek enforcement of the said order.

3. It appears that the writ petitioner was dismissed from service in the meanwhile. Such an order of dismissal was not approved by the competent authority. Subsequently, the writ petitioner was reinstated. Since the order passed by the competent authority declining approval was put to challenge in W.P.(MD)No.18957 of 2018, the order passed by the third respondent was not implemented. The order passed by the competent authority declining the approval has been sustained by me in the aforesaid writ petition filed by the management. Therefore, there is no longer any impediment for enforcing the order dated 07.03.2014. The respondent Corporation is therefore directed to make the writ petitioner permanent in the post of conductor with effect from 12.12.2012 with all consequential benefits subject to levy of punishment made in W.P.(MD)No.18957 of 2018. This writ



petition stands allowed. The respondents are directed to pass order within a period of twelve weeks from the date of receipt of a copy of this order. All the consequential monetary benefits will be given within the said period. No costs.

27.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Bye-pass Road, Madurai.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Virudhunagar Region, Madurai Bye-pass Road,
Virudhunagar.
3. The Labour Inspector,
137, Kandhapuram Street,
Virudhunagar.



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G.R.SWAMINATHAN,J.

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