



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) .No.5835 of 2018

and

W.M.P. (MD) .Nos.5817 and 5818 of 2018

D.Tamil Selvan

... Petitioner

Vs.

1.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli.

2.The Assistant Manager,
Tamil Nadu State Transport Corporation,
Kovilpatti Branch,
Kovilpatti.

...Respondents

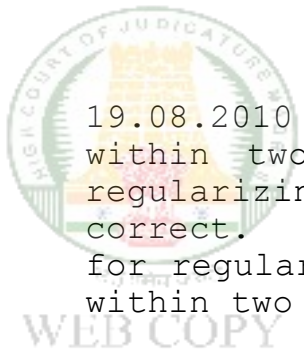
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the first respondent herein made No.A.Aa.No.14839/Neya2/Thaapokka./Thili/2013 dated 12.02.2016, and to quash to the same partly and to modify the order in respect of the petitioner's regularization date as 19.08.2010 instead of 31.01.2015 and to pay the salary and other benefits arising out of them to the petitioner.

For Petitioner	:	Mr.S.Krishnan
For Respondents	:	Mr.K.Sathiya Singh, Standing Counsel.

ORDER

The petitioner herein was initially engaged by the respondent Corporation as a part time Conductor on daily wages on 19.08.2010. Thereafter, he was regularly appointed on 13.11.2013. However, his date of regularization has been given effect from 31.01.2015 only through the impugned order dated 12.02.2016.

2. Section 3 of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 provides that every workman in an industrial establishment, who has completed 480 days of continuous service, would be entitled for regularization from the date of such completion. In the instant case, the petitioner claims to have been initially engaged on daily wages from



19.08.2010 and that he had completed 480 days of continuous service within two years. If that be so, the present impugned order regularizing him in the services from 31.01.2015, may not be correct. In other words, the petitioner herein would be entitled for regularization from the date on which he had completed 480 days within two years from 19.08.2010.

3. In the light of the above findings, the impugned order dated 12.02.2016 is quashed, insofar as it regularizes the petitioner's services from 31.01.2015. Consequently, there shall be a direction to the first respondent herein to pass fresh orders by re-calculating the services of the petitioner and give effect to his date of regularization from the date on which he had completed 480 days continuous service in two years commencing from 19.08.2010. Such orders shall be passed at least within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. This Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Lm

To

1.The General Manager,
Tamil Nadu State Transport Corporation,
Tirunelveli.

2.The Assistant Manager,
Tamil Nadu State Transport Corporation,
Kovilpatti Branch,
Kovilpatti.

+1 CC to M/s.K. SATHIYA SINGH, Advocate (SR-27530[F] dated
22/06/2022)

W.P. (MD) .No.5835 of 2018
20.06.2022

MGJ(29.06.2022) 2P 4C