



W.P(MD)No.19379 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19379 of 2021

D.Pandi

... Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye Pass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Virudhunagar Region,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC/Virudhu/Nirvagam/A2/881/2019 dated 25.01.2019, quash the same in so far as bringing the petitioner to daily paid service from 01.09.2010 and regularizing and confirming his service only from 26.07.2018 and consequently direct the respondents to confirm and regularize his services with effect from 01.01.2010 with arrears and all other consequential benefits.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.C.Herold Singh



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ORDER

Heard the learned counsel on either side.

2. The petitioner joined the respondent Corporation as Reserve Crew Driver on 01.08.2008. The vehicle driven by him was involved in an accident. However, the criminal court which tried the case acquitted the writ petitioner. In the mean while, the petitioner moved the authority under Tamil Nadu Act 46 of 1981 seeking conferment of his permanent status. The said authority passed an award in favour of the writ petitioner on 11.03.2013. Questioning the same, the Management filed W.P.(MD)No.11211 of 2013. Even during the pendency of the said writ petition, the impugned order dated 25.01.2019 was passed granting permanent status of the writ petitioner with effect from 26.07.2018. Questioning the same, the present writ petition has been filed.

3. The issue raised in the writ petition has already been decided in W.P. (MD)No.11211 of 2013. A learned Judge of this Court vide order dated 02.09.2022 disposed of the writ petition filed by the Management in the following terms:-

“19. In the said order, A.Anand, a similarly placed person like second respondent was ordered to be conferred with permanent status on completion of 720 days and regulation of his pay and allowances. No doubt, the second



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respondent is also entitled for the same relief.

20. In view of the matter, this Court confirms the order of the first respondent in Pa.Mu.No.A/2382/2012, dated 11.03.2013 and directs the petitioner Corporation to confer the permanent status on the second respondent on completion of 720 days as indicated in W.A.(MD)No.1062 of 2016 and W.P. (MD)No.11210 of 2013 and 18585 of 2014 with consequential service and monetary benefits within a period of three months from the date of receipt of a copy of this order.”

4. Therefore, the impugned order has to be necessarily set aside. It is accordingly set aside. The writ petitioner shall be granted permanent status from the date of completion of 720 days to be reckoned from 01.08.2008.

5. The Writ Petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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