



W.P.No.15769 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.15769 of 2012

M.Shanmugam

... Petitioner

Vs.

1.The General Manager,
Tamilnadu State Transport Corporation,
(Villupuram Division-II) Ltd.,
Vellore

2.The Joint Commissioner of Labour,
(Conciliation),
Chennai 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the first respondent herein to issue orders of regularisation of the temporary service of the petitioner with effect from 01.09.2005 in the time scale of pay applicable to the Driver post as on 01.09.2005 and to pay the consequential arrears of pay that would arise, as difference in monthly salary to be drawn and paid and wages actually paid month wise since 01.09.2005 upto the month in which these arrears are paid, within a time limit.

For Petitioner : Mr.K.Balu



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For Respondents

For R1 : Mr.M.Ashwin

For R2 : Mr.T.M.Rajangam,
Government Advocate

ORDER

The petitioner has filed this writ petition to regularise his temporary service with effect from 01.09.2005 in the time scale of pay applicable to the post of Driver.

2. Heard, the learned counsel appearing on either side.

3. The petitioner was appointed as Driver through employment exchange. However, he was initially appointed as temporary Driver on daily wages. While he was in service, his bus met with an accident. Therefore, charges were framed against him and he was stopped from duty from 12.10.2003. Thereafter, the petitioner raised Industrial Dispute before the Joint Commissioner of Labour. In the mean while, the second respondent also applied for approval of discharge under section 33 (2) b of Industrial Disputes, Act, 1947. Finally, approval petition was rejected



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by order dated 12.02.2005. It was not challenged by the second respondent so far and it became final. Therefore, the petitioner submitted representation dated 30.05.2005 for his reinstatement. However, the said request was not considered and as such he filed writ petition before this Court in WP.No.35965 of 2005 seeking reinstatement of his service. By an interim order passed by this Court, he was given duty as Casual Labourer. However, he is continued to be Driver from the date of his reinstatement i.e. 19.05.2006. Even till now, his service is not yet regularised. Therefore, he is entitled to be appointed as regular Driver in the time scale of pay with effect from 01.09.2005 in pursuant of the 12(3) settlement signed on 31.08.2005.

4. In view of the above, the first respondent is directed to regularise the service of the petitioner with effect from 01.09.2005 in the times scale of pay applicable to the driver post and pay all arrears of salary and other consequential benefits within a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of.



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There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.



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To

- 1.The General Manager,
Tamilnadu State Transport Corporation,
(Villupuram Division-II) Ltd.,
Vellore
- 2.The Joint Commissioner of Labour,
(Conciliation),
Chennai 600 006
- 3.The Government Advoate,
High Court, Madras.

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