



W.P.No35296 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2023

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No35296 of 2015

S.Robinson

... Petitioner

Vs.

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

2. The Tamil Nadu Government Transport Corporation,
Pallavan Salai,
Chennai - 02.

3. The Managing Director,
The Tamil Nadu Government Transport Corporation,
Division III, Nagercoil,
Kanniyakumari District.

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to implement the order dated 01.08.2001 passed as per the provisions of Industrial Employment conferment of Permanent Status of Workmen Act 1981 and as per 12(3) Settlement entered into the Trade Union and the respondents and pass orders based on the petitioner's representation dated 18.12.2004.



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For petitioner : Mr.Balamurugan
for Mr.G.Justin
For R1 : Ms.C.Sangamithirai
Special Government Pleader
For R2 and R3 : Mr.C.Gauthamaraj

ORDER

This writ petition is filed seeking mandamus directing the respondents to implement the order dated 01.08.2001 and pass appropriate orders as per the provisions of Industrial Employment Conferment of Permanent Status of Workmen Act 1981.

2. Learned counsel for the petitioner appeared through video conference and submitted that the petitioner was working as a temporary Conductor with the third respondent Corporation and he had filed an application to the third respondent to regularize his service as per the provisions of Industrial Employment conferment of Permanent Status of Workmen Act 1981 and as per clause 12 of the 12(3) Settlement.

3. However, the third respondent failed to consider the representation and did not respond to the representations, dated 04.07.1998 and 01.08.1998. The petitioner has filed a writ petition before this Court, which was disposed of with the following order :

"By consent the main writ petition itself is taken up.



It is seen that the representations have been given by the petitioners on 04.07.1998 and 01.08.1998 respectively to the respondent. A direction will issue to the respondent to consider and pass orders on the said representations within a period of 8 weeks from the date of production of a copy of this order."

4. Subsequently, when the directions of this Court were not complied with, the petitioner filed a contempt petition. It was disposed of on the submission of the Respondent that whenever vacancy arises the petitioner will be given preference as per the seniority list maintained by the respondent. Accordingly, the contempt petition was closed.

5. It is further submitted by the learned counsel for the petitioner that even after a lapse of 15 years the third respondent had issued notification for calling fresh vacancies. Even though the petitioner applied for the same on 20.11.2014, third respondent did not consider as directed by this Court earlier. Hereby the petitioner filed representation dated 18.12.2014 and sought for direction.

6. Learned counsel appearing for second and third respondent made his submissions by taking through the relevant paragraphs of the counter affidavit which speaks as, " subsequent to the direction by this Court the petitioner was called for interview on 11.12.2014 but the petitioner did



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not turn up for the interview on that date, thereby the petitioner was not considered. and further submitted that there are no merits in this writ petition.

7. As directed by this Court the third respondent is bound to consider the candidature of the petitioner for the post of Conductor whenever notification is issued, by giving priority to the petitioner.

8. Learned counsel for the second and third respondent has filed a proceeding dated 01.12.2014 to show that the petitioner was called for interview scheduled to be held on 11.12.2014 for the post of Conductor. He has also filed a copy of intimation later. However, there is no record to show that the petitioner failed to appear for the interview; whether the said intimation letter was served on the petitioner and whether the petitioner has not attended the interview.

9. In any case the respondent should have replied to the petitioner's representation dated 18.12.2014 explaining the reason as to why he has not been considered and order of this could not be implemented.

10. Considering the submissions made and on perusal of records this writ petition is disposed of directing the third respondent to consider the



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representation of the petitioner dated 18.12.2014 as quickly as possible not later than four weeks from date of receipt of a copy of this order. Costs made easy.

17.11.2023

vca

To:

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DR. D.NAGARJUN,J.

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