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W.P.No.16494 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.16494 of 2020

S.Anandan

...

Petitioner

/vs/

M/s.State Express Transport Corporation,  
Rep. by its Managing Director,  
No.2, Pallavan Salai,  
Chennai – 600 002.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to regularize the petitioner's service from 01.01.1997 i.e. the date on which the petitioner completed 240 days or from the date of order of this Court in W.P.No.19488 of 1996 dated 14.11.1997.

For Petitioner ... Mr.D.Soundar Raj

For Respondents ... Mr.K.Kathiresan  
Standing Counsel for STEC



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## ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus to regularize the petitioner's service from 01.01.1997 i.e. the date on which the petitioner completed 240 days or from the date of order of this Court in W.P.No.19488 of 1996 dated 14.11.1997.

2. The petitioner has filed an earlier Writ Petition in W.P.No.19488 of 1996 and this Court by an order dated 14.11.1997 directed the respondent to regularize the service of the petitioner. Subsequently the petitioner filed an Execution Petition in E.P.No.10 of 2019 before the Labour Court on the strength of the order passed in W.P.No.19488 of 1996. The said Execution Petition was dismissed on 26.08.2019 by passing the following order:

*“ 12. The petitioner further claimed that the order passed in W.P. Was not complied by the respondent. The respondent in the counter claimed that for the order in W.P.No.2057/1998 the petitioner ought to have filed only a contempt petition before the Hon'ble High Court. While the petitioner claimed that there is no such W.P., further claimed in para 4 to 6, that the respondent failed to comply the order in W.P.No.556/1997 dated 23.04.1997. Therefore it is clear that he differs only with the number mentioned by the respondent. Further the said W.P. is not as against the order or settlement before the Labour Court. If at all he needs any remedy as per the order of the W.P. He has to file only a contempt petition before the Hon'ble High Court and therefore this Court comes to a conclusion that in any even the above E.P. Is not*



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*maintainable and the same is liable to be dismissed.”*

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3. The order passed in E.P.No.10/2019 was challenged by way of filing a Writ Petition in W.P.No.33609 of 2019 and the same was disposed on 05.10.2010 by passing the following order:

*“ ... this Court is inclined to dispose the writ petition with the following orders:*

*i) that the challenge now made in the impugned order against the order of the Labour Court dated 26.08.2019 in E.P.No.10 of 2019 may not be sustainable. Accordingly, the learned counsel has submitted that he wants to withdraw the writ petition with liberty as stated above.*

*ii) Therefore, the Writ Petitioner is permitted to withdraw this petition with liberty to challenge the order of the respondent dated 08.03.2007 where the issue of latches shall not stand in the way.”*

4. The petitioner who got the order on 14.11.1997 had omitted to file any contempt proceedings and quietly accepted the regularization order issued on 08.03.2007. All of a sudden, he filed the Execution Petition and that has been rightly dismissed on 26.08.2019 for the reasons stated above. The writ petition filed subsequently challenging the Execution Petition has also been dismissed. Now the petitioner has filed the present writ petition by claiming that his regularization ought to have been made from the date



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of the order passed in W.P.No.19488 of 1996 dated 14.11.1997.

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5. The learned counsel for the petitioner submitted that the claim of the petitioner is affected by delay and laches in view of the long delay and the petitioner had accepted the regularization order passed in the year 2007 and hence the petition should be dismissed. The learned counsel for the petitioner attracted the attention of this Court to the order of this Court made in W.P.No.33609/2019 on 05.10.2020. The relevant para of the said order is extracted hereunder:

*“ 7. Pursuant to the said order, the respondent / Transport Corporation ought to have passed an order regularizing the service of the petitioner either from the date of original engagement on 17.12.1994 or atleast from the date of order passed by this Court in W.P.No.19488/1996 dated 14.11.1997.”*

6. Since the respondent has not passed any order in the light of the above observation made by this Court, in the earlier order dated 14.11.1997, it is observed that the issue of laches shall not stand in the way. Under such circumstances the respondent ought to have considered the merits of the claim of the petitioner and passed order without waiting for any contempt



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action that might arise for the non-compliance of the order dated 14.11.1997.

7. In the result this Writ Petition is disposed by directing the respondents to consider the representation of the petitioner dated 07.02.2017 in the light of the order dated 14.11.1997 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed. No costs.

**07.11.2023**

Index: Yes / No  
Speaking order / Non-speaking order  
bkn

To:

The Managing Director,  
State Express Transport Corporation,  
No.2, Pallavan Salai,  
Chennai – 600 002.



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**R.N.MANJULA ,J.**

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