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W.P.No.32221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.32221 of 2023

R.Punithan

... Petitioner

Vs.

M/s.Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Represented by its Managing Director,
No.3/137, Salamedu,
Vazhudhareddy Post,
Villupuram - 605 602.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to regularize the service of the petitioner from 1999 i.e on completion of 240 days as per settlement arrived under Section 12(3) of the Industrial Disputes Act on 28.08.1986, 28.08.1989 and 30.09.1992 or on the date of completion of 480 days from the date of appointment i.e. 05.09.1997 as per Section 3 of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act by considering the representation of the petitioner dated 13.09.2023.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Ms.Pavithra

Standing Counsel



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ORDER

The writ petitioner joined as a Conductor on daily rated basis in Tamil Nadu State Transport Corporation (Villupuram) Limited on 02.07.1997. His services were regularized with effect from 01.09.2005.

2. Mr.D.Soundar Raj, learned counsel for the writ petitioner contended that as per the settlement arrived under Section 12(3) of the Industrial Disputes Act, service of the petitioner was not taken into account for the purpose of calculation of pensionary benefits from the year 1999. It is also his contention that his representation dated 13.09.2023 in this regard has not been considered by the respondent Corporation till date and he therefore, filed the present writ petition seeking for a direction to the respondent Corporation to consider his representation dated 13.09.2023 and confer him permanent status.

3. Ms.Pavithra, learned Standing Counsel accepts notice on behalf of the respondent Corporation. Her contention is that the writ petitioner retired on superannuation on 31.10.2021 and since there was a ban for recruitment from 2001 to 2005 the writ petitioner cannot be made



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permanent from 1999 as claimed by him in the present writ petition.

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4. The present writ petitioner has filed this petition only seeking for a direction to the respondent Corporation to consider his representation dated 13.09.2023 submitted by him to the respondent Corporation. Since no order has been passed by the respondent Corporation he has approached this Court. In the circumstances, without going into the merits of the case projected by the petitioner either in his affidavit or in the representation submitted by him, this Court directs the respondent to consider the representation dated 13.09.2023 submitted by the writ petitioner and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl



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R. HEMALATHA, J.

mtl

To

M/s.Tamil Nadu State Transport Corporation
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