



W.A(MD)No.712 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.712 of 2023
and
C.M.P(MD)No.6221 of 2023**

- 1.The Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Rep. by its Managing Director,
By Pass Road, New Railway Station Road,
Kumbakonam..
- 2.The General Manager,
The Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Trichy Region,
Trichy.
- 3.The Branch Manager,
The Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,
Thuvarankuruchi Branch, Trichy.

... Appellants/Respondents

-vs-

P.Ravi ... Respondent/Writ Petitioner

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the
order dated 14.06.2022 passed in W.P(MD)No.14145 of 2014.

For Appellants : Mr.K.Jagadeesh Balan

For Respondent : Mr.A.Rahul



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Challenge in the writ appeal is to the order of the Writ Court directing regularization of services of the respondent with effect from the date of expiry of 240 days from 20.12.2001.

2. The respondent, who was working as a Driver was dismissed from service in the year 1999. The said order of dismissal was challenged before the labour Court and the labour Court passed an award on 09.08.2001 directing reinstatement of the respondent without back wages and other allowances. Consequent upon the award of the labour Court, the respondent was re-employed with effect from 20.12.2001 on a daily wage basis. This by itself, in our opinion, is an improper implementation of the award of the labour Court. However, since the respondent had accepted the same, we are not reopening the said issue. The services of the respondent were regularised with effect from 01.01.2004 consequent upon the writ petition filed by the management challenging the award of the labour Court having been dismissed. The respondent challenged the order



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of regularization mainly on the ground that it should have been from the date of expiry of 240 days from 09.08.2001 ie., from the date of award of the labour Court. However, the writ Court directed regularization from 20.12.2001, namely, the date on which the respondent was re-employed consequent upon the award of the labour Court. Aggrieved by the said direction, the Corporation is on appeal.

3. The learned counsel for the Corporation would vehemently contend that taking into account the past conduct of the respondent, the Corporation had regularised the services of the respondent with effect from 01.01.2004.

4. We are unable to agree with the said contention of the learned counsel for the appellants. Once the labour Court had directed reinstatement and the respondent had already been reinstated into service on a particular date, his services must be regularized from the date on which 240 days from the date of re-employment expires and not from any subsequent date. It is quite obvious that the Corporation wanted to deny pensionary benefits to the respondent and therefore, had chosen the date 01.01.2004. The



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anomaly created by the action of the Corporation has been rectified by the Writ Court.

4. We do not see any error in the order of the Writ Court in order to enable us to entertain this writ appeal. Therefore, the writ appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed. The Corporation shall pay the difference in salary within a period of six months from today.

[R.S.M., J.]

[L.V.G., J.]

05.06.2023

NCC :Yes/No
Index :Yes/No
PM



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pm

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