



**W.P.(MD)No.1994 of 2018**

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED:14.02.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.1994 of 2018**

S.Ramesh

... Petitioner

Vs.

The Management of  
Tamilnadu State Transport Corporation(Kumbakonam) Ltd.,  
Trichy Region,  
Rep. by its Managing Director,  
Trichy.

... Respondent

**Prayer:**Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to extend the petitioner with the same benefits given to his co-workers by complying with the order of the Authority in Na.Ka.No.A/1214/2003 dated 09.01.2004 passed under Section 3 of the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981, as upheld by this Hon'ble Court and the Hon'ble Supreme Court, by allowing him to join duty with all consequential benefits from 02.09.2003.

For Petitioner

: Mr.V.Ajay Khose, for  
Mr.S.Arunachalam

For Respondent

: Mr.D.Sivaraman



**W.P.(MD)No.1994 of 2018**

## **ORDER**

WEB COPY

This writ petition has been filed by the petitioner seeking for a direction to the respondent to extend the petitioner with the benefits given to his co-workers by complying with the order of the Authority in Na.Ka.No.A/1214/2003, dated 09.01.2004, passed under Section 3 of the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981, as upheld by this Hon'ble Court and the Hon'ble Supreme Court, by allowing him to join duty with all consequential benefits from 02.09.2003.

2. The case of the petitioner is that he joined in the service of the respondent Corporation as a Driver from 10.01.2000. However, the petitioner was not given permanent status even after completion of 480 days of continuous service. Hence, the petitioner filed an application under the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981. The Authority under the Tamilnadu Industrial Establishment (Conferment of Permanent Status to Workman) Act, 1981, passed an order in favour of the petitioner on 09.01.2004. The said order was challenged by the Corporation in



***W.P.(MD)No.1994 of 2018***

WEB COPY

W.P.(MD)No.4393 of 2004. Subsequently, the petitioner has also filed W.P.(MD)No.2152 of 2007, seeking for a direction to the respondent to provide employment to the petitioner as per Section 25-H of the Industrial Disputes Act and as per G.O.Ms.No.51 Transport (C.1) Department, dated 13.07.2006. The said writ petition was allowed vide order, dated 09.03.2007. As against the said order, the respondent Corporation preferred an appeal in W.A(MD)No.344 of 2018. The Division Bench of this Court modified the order, dated 09.03.2007, passed in W.P(MD)No.2152 of 2007, by directing the respondent to consider the case of the petitioner after giving opportunity to him. Thereafter, the respondent entered into a settlement with the Trade Union and settled the benefits payable to the workers. However, the same benefit was not extended to the petitioner and hence, the petitioner has made a representation on 21.06.2017. However, the same was not considered. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondent is directed to dispose of the representation of the petitioner, dated 21.06.2017, on merits and in



**W.P.(MD)No.1994 of 2018**

accordance with law, within a specified period.

WEB COPY

4. The learned standing counsel appearing for the respondent, has no serious objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the respondent to consider the petitioner's representation, dated 21.06.2017 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

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

**14.02.2023**

PM  
NCC:Yes/No  
Index:Yes/No



WEB COPY



***W.P.(MD)No.1994 of 2018***

**M.DHANDAPANI,J.**

pm

**W.P.(MD)No.1994 of 2018**

**14.02.2023**