



WP.No.24194 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.08.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.24194 of 2013

and M.P.No.1 of 2013

C.Govindaraj

S/o Chindamani

...Petitioner

Vs.

1.The Secretary to Government

Tamil Nadu State Transport Corporation,
Secretariat, Chennai- 600 009.

2.The Managing Director,

Tamil Nadu State Transport Corporation Ltd.,
Division No.I,
Ramakrishna Road, Salem-7

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of writ of Certiorarified Mandamus, directing to call for the records pertaining to Letter No.E1/8304/TSTC(Salem)/2013 dated 05.08.2013 issued by the 2nd respondent, quash the same and direct the respondents to appoint the petitioner as conductor in the Transport Corporation.



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For Petitioner : M/s.R.Subramanian

For Respondents : M/s.R.L.Karthika

Government Advocate for R1

Mr.M.Aswin for R2

ORDER

The petitioner herein claims to have been appointed as conductor on 26.07.1998 in the respondent Corporation and continuing as such, he also claimed for a regular appointment in the year 2005 and then made a claim for regularization of services and also approached this Court by filing W.P.No.39529 of 2005.

2. This Court having considered the claim disposed of the writ petition by an order dated 08.03.2006 directing the respondent to consider the representation submitted by the petitioner. Thereafter, the claim of the petitioner was rejected by the 2nd respondent by an order dated 04.04.2006 on the ground that the case of the petitioner would be considered if his name was recommended and sponsored by the concerned Employment Exchange. Thereafter, the petitioner, having



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come to know that five other similarly situated persons were regularized and recruited as conductors on 28.02.2013, once again submitted a representation and the said representation was also rejected by the respondents by passing an order by assigning very same reason given previously. It is aggrieved by the said order, the petitioner approached this court by filing this present writ petition.

3. During the course of hearing, it is brought to the notice of this Court, that similarly situated persons like the petitioner have brought the issue by this Court, on an earlier occasion by filing various writ petitions and the same were disposed of and consequently, the Government of Tamilnadu issued G.O.Ms.No.41 Transport (C1) Department dated 13.07.2006 providing for consideration of the claims of the drivers and conductors who were appointed from 1997 onwards, but terminated later and issued various directions. The directions issued by the Government in paragraph No.4 to 6 of the said Government Order reads as under:

"4. The Government accordingly issue the following orders to the Managing Directors of all the State Transport Corporations on



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implementation of the directions of the High Court of Madras, in regard to appointment of Drivers and Conductors:-

i) Preference shall be given to the persons who were retrenched from service but obtained orders from High Court for re-employment in terms of Section 25 (H) of Industrial Dispute Act, 1947

ii) Preference shall also be given to similarly placed persons who have approached the court and whose cases are still under consideration.

iii) Preference shall be given to those persons whose services were terminated and who are similarly placed like persons mentioned in clause (i) and (ii) who have not yet approached the Court, when they approach the Managing Directors seeking similar appointment.

iv) While giving such preference, the conditions imposed by High Court of Madras in the Judgement dated 7.4.2006 in W.P.No.38097/2005 etc. viz., (a) Physical fitness and Eye fitness (b) Driving skill Test in respect of Drivers shall be



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followed.

5. The Managing Directors of all the Transport Corporations are directed to re-examine the vacancy position after giving preference to the retrenched persons in appointment as detailed above.

6. The Managing Directors of all the State Transport Corporations are therefore directed to withdraw the provisional appointment orders already issued to Drivers and Conductors selected based on the orders issued in the G.O. read above in view of the necessity to give preference to retrenched employees stated above as per the orders of the High Court.

4. In the light of the above Government order, the 2nd respondent has an obligation to consider the claim of the petitioner in terms of the said Government order. But, inspite of general directions issued in the said Government order to consider the cases of the persons who have approached this Court as well as other persons who were similarly



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placed like the petitioners in other batch of writ petitions, the case of the petitioner is admittedly not considered by the 2nd respondent as on date in terms of the said Government order dated 13.07.2006.

5.The learned counsel for the respondents submitted that in case if the petitioner establish that he is satisfying the requirements of the said Government order by sufficient evidence, he has to approach the concerned authority under the provisions of industrial disputes to claim for the regularization of services on completion of certain number of days of continuous service. The reason given in the impugned order that the case of the petitioner will be considered only on being sponsored by the concerned Employment Exchange cannot be sustained, in view of the Government order issued in G.O.Ms.No.41 Transport (C1) Department dated 13.07.2006. Hence, this Court is unable to agree with such a contention and the fact that the 1st respondent Government has already issued G.O.Ms.No.41 Transport (C1) Department dated 13.07.2006 and the case of the petitioner is also required to be consider under the said Government order.

6.In the light of the above impugned order passed by the



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respondents is set aside and 2nd respondent is further directed to consider the claim of the petitioner in terms of G.O.Ms.No.41 Transport (C1) Department dated 13.07.2006 and pass appropriate orders thereon as expeditiously as possible at any rate within a period of two months from the date of receipt of a copy of this order.

7.In the result, the writ petition stands disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

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vsn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order



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