



WEB COPY

W.P.No.10661 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.10661 of 2024

G. Ramesh

... Petitioner

-Vs-

The General Manager
Tamil Nadu Transport Corporation Ltd.,
Villupuram Division,
Vellore Divisional Office,
Rangapuram, Vellore - 9
Vellore District.

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to dispose the petitioner's representation dated 14.12.2023 and regularise the services of the petitioner from the date of appointment i.e., 20.05.1998 with all service benefits, monetary benefits, back wages in accordance with law within the stipulated period fixed by this Court.

For Petitioner : Mr.N.Sampath

For Respondent : Mr.R.Venkatesa Perumal
Standing Counsel

ORDER

This writ petition is filed for a direction to dispose of the petitioner's representation dated 14.12.2023 and regularise the services of the petitioner



from the date of appointment i.e. 20.05.1998.

WEB COPY

2. The case of the petitioner is that he was appointed as a driver as on 20.05.1998. When he was temporarily working, with effect from 01.09.2005 he was regularised in service. According to the petitioner as per the provisions of the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 the petitioner is entitled for regularisation upon completion of 480 days of continuous service within the period of two years. Therefore, the petitioner should have been regularised in the year 2000 itself and not from the year 2005. In this regard he has made a representation.

3. The learned counsel appearing for the petitioner submitted that in respect of several other employees this Court has directed the respondents to consider the representation. Hence, he prayed that similar order may be passed in the present writ petition also.

4. Mr.R.Venkatesa Perumal, learned Standing Counsel takes notice on behalf of the respondents.

5. Heard both sides and perused the materials available on record.



6. The petitioner was already regularised in service with effect from 01.09.2005. If he is aggrieved, at the relevant point of time itself he should have challenged the same. If the petitioner claims he is entitled for regularisation as per the Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981, he should have approached the Inspector of Labour under the said Act by filing the application under Section 3 of the said Act and demonstrated that he had done continuous duty of 480 days within two years and got an award in his favour. In the absence of such an award, merely by citing the provision, the petitioner cannot claim that he should have been regularised in the year 2000 itself. This Court in exercise of power under article 226 cannot direct the respondent to retrospectively regularise the petitioner in the absence of any such scheme. When the petitioner has not got any right, no purpose would be served in directing the respondent to consider the petitioner's representation.

7. Accordingly, the writ petition stands dismissed. No costs.

18.04.2024

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



W.P.No.10661 of 20

To

The General Manager
Tamil Nadu Transport Corporation Ltd.,
Villupuram Division,
Vellore Divisional Office,
Rangapuram, Vellore - 9
Vellore District.



WEB COPY



W.P.No.10661 of 20

D. BHARATHA CHAKRAVARTHY, J.

dpq

W.P.No.10661 of 2024

18.04.2024