



W.P.(MD).No.1672 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1672 of 2024

Lilly

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirapalli District.
3. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
(M.T.C), Pallavan Illam,
Mount Road, Pallavan Salai,
Chennai-600 002.
4. The Administrator,
Tamil Nadu Transport Corporation Employees Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-2.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to regularize the service of the husband of the petitioner from the date of his appointment namely 21.1.2001 and further direct the respondents 1 to 4 to cover the husband of the petitioner under the Old Pension Scheme and to re-calculate the retirement benefits and family pension, as if, service of husband of the petitioner was regularized from 21.1.2001 and sanction the same to the petitioner along with interest at the rate of 6 % per annum within the time limit fixed by this Court.

For Petitioner : Mr. N.Sudhakar Nagaraj

For Respondents : Mr.K.Ramaiah (R1 & R2)
Mr.S.C.Herold Singh (R3,R4)
Standing Counsels

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 to 4 to regularize the service of the husband of the petitioner from the date of his appointment namely 21.1.2001 and further direct the respondents 1 to 4 to cover the husband of the petitioner under the Old Pension Scheme and to re-calculate the retirement benefits and family pension, as if, service of husband of the petitioner was regularized from 21.1.2001 and sanction the same to the petitioner along with interest at the rate of 6 % per annum within the time limit fixed by this Court.



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2.By consent of both parties and considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Standing Counsels appearing for the respondents. Perused the materials on record.

4.(i).The petitioner's husband was appointed in the third respondent Corporation, Chennai on 21.01.2001 on daily wages, based on the employment seniority. Thereafter, he was transferred from Chennai to Trichy on 01.12.2006. While in service, he died on 13.08.2022. At that time, he was working as Selection Grade Driver in the third respondent branch.

(ii).In the year 2003, the 2nd respondent issued an order regularizing the service of 140 persons out of 200 persons, who were appointed temporarily in the year 2000. During the said period, the petitioner's husband was not regularized, while similarly placed persons were regularized. Out of the remaining persons, 44 persons had approached the quasi judicial authority, viz., Inspector of Labour, Trichy and their application was allowed directing



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the respondents to give permanent status to those 44 persons, who approached the Inspector of Labour, Trichy with all monetary benefits. Challenging the said order, the third respondent filed W.P.(MD)No.4393 of 2004 and this Court dismissed the same directing the respondent to regularize the 44 persons. Against which, the respondent Corporation filed a writ appeal in W.A(MD)No. 711 of 2008, which was dismissed on 18.11.2009. Following which, those 44 persons were regularized in the respondent Corporation with back wages and all of them covered under old pension scheme. The respondent Corporation ought to have considered the case of the petitioner on par with those employees. Since the same was not considered, the petitioner made several representations to the respondents to regularize his service from the year 2001. However, the same were not considered.

(iii).After the demise of the petitioner's husband, the respondents belatedly regularized his service with effect from 01.09.2005. Therefore, the petitioner received only a meagre amount of retirement benefits and pension. The respondents ought to have regularized the service of the petitioner with effect from the year 2003, since he was appointed on 21.01.2001. Hence, this writ petition came to be filed.



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5.The learned counsel appearing for the respondents submitted that no representation to this effect has been received from the petitioner so far. Hence, the respondents were not able to act upon the plight of the petitioner.

6.In view of the above, this Court hereby directs the petitioner to submit a fresh representation to the respondents 1 and 2 within a period of one week from the date of receipt of copy of this order. On receipt of the same, the respondents 1 and 2 are directed to consider the said representation of the petitioner and pass appropriate orders, in accordance with law, within a period of twelve (12) weeks, from the date of receipt of fresh representation of the petitioner.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

30.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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