



W.P.(MD).No.20665 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20665 of 2021

Manikandan

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permanent status confirmation order and arrears of salary from July 2016 to the petitioner as per 12(3) Settlement of Industrial Dispute Act, 1947 on the basis of the petitioner's representation, dated 14.09.2021 respectively within a fixed time limit as stipulated by this Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : No Appearance



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ORDER

This writ petition has been filed seeking a direction to the respondents to grant permanent status confirmation order and arrears of salary from July 2016 to the petitioner as per 12(3) Settlement of Industrial Dispute Act, 1947 on the basis of the petitioner's representation, dated 14.09.2021 respectively within a fixed time limit as stipulated by this Court.

2. On 02.11.2014, recruitment for the post of Driver was called for by the paper notification of the respondent Corporation. Pursuant to the same, the petitioner was appointed as a reserve Driver as per the order of the 2nd respondent, dated 06.07.2015. The petitioner's batch No. is 16194 and employment number was given as 14RD6289/76289, following which, he was allotted to work at Thuraiyur Branch. Though the petitioner had completed 240 days of service, his service was not regularised. However, similarly placed persons viz., Velmurugan, Karthikeyan and Senthil, who joined along with the petitioner in the respondent Corporation were regularised and they were given permanency after completion of 240 days of service. Hence, the petitioner made a representation to the respondents seeking to give permanency



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considering his 240 days in service on 14.09.2021, as per the settlement under Section 12(3) Industrial Disputes Act. Since the same was not considered, this writ petition came to be filed.

4. Even though the name of learned Standing Counsel for the respondents printed in the cause list, none appeared. Perused the materials available on record. Heard the learned counsel appearing for the petitioner.

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct the respondents to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, this Court hereby direct the respondents to grant permanent status



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confirmation order and arrears of salary from July 2016 to the petitioner, as per 12(3) Settlement of Industrial Dispute Act, 1947 on considering his representation, dated 14.09.2021, within a period of twelve (12) weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

02.07.2024

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

To

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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