



WEB COPY



W.P.No.7403 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7403 of 2023

A.Appukuttan

... Petitioner

Vs.

The Managing Director,
Tamil Nadu Government Express,
Transport Corporation,
Pallavan Salai,
Chennai-600 002.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the respondent in Letter No.024121/MV3/AVPOK/2022 dated 18.11.2022 and quash the same and further direct the respondent to calculate the continuity of service from the date of his appointment i.e., 31.03.1995 and consequently, grant benefits accordingly.

For Petitioner : Mr.G.Soundari

For Respondent : Mr.M.Aswin



W.P.No.7403 of 2023

WEB COPY

ORDER

This Writ Petition has been filed challenging the order passed by the respondent in Letter No.024121/MV3/AVPOK/2022 dated 18.11.2022 and for a consequential direction to the respondent to calculate the continuity of service from the date of the petitioner's appointment (i.e.,) 31.05.1995 and grant benefits accordingly.

2. The learned counsel appearing for the petitioner submits that the petitioner was appointed as Driver in the respondent Transport Corporation on daily wages and he worked more than 240 days in a calender year, however, he was not made permanent. While so, the respondent issued a charge memo dated 14.09.2000 alleging that he has driven the vehicle in a rash and negligent manner and dashed against the road side tamarind tree and caused injuries to 11 passengers and the petitioner has given explanation to the same, however, the respondent dismissed the petitioner from service on 13.08.2001 and thereby, the petitioner raised I.D.No.482 of 2022 before the Labour Court, Chennai, for reinstatement with continuity of



W.P.No.7403 of 2023

WEB COPY

service and the Labour Court ordered for reinstatement with continuity of service and all other attendant benefits, without backwages. Thereafter, the petitioner was reinstated in service on 21.01.2012 and is working in the respondent Corporation as Driver. During the month of June 2021, when the petitioner received the salary slip, it was found that his date of joining was mentioned as 28.02.2012 instead of 31.03.1995 and the regularization date was mentioned as 11.06.2013. Therefore, the petitioner made a representation on 05.09.2021 to the respondent to correct the date of appointment as 31.03.1995 and the regularization date also, however, no order was passed. Hence, the petitioner filed W.P.No.15165 of 2022 before this Court seeking a direction to the respondent to pass order on the representation dated 07.04.2022 and on 24.06.2022, this Court directed the respondent to consider his representation on merits and in accordance with law. On receipt of the order, the respondent, without providing any opportunity, passed the impugned order stating that the petitioner was appointed only on temporary basis as and when required by the Corporation and based on the order in I.D.No.482 of 2002, he was reinstated from service



W.P.No.7403 of 2023

WEB COPY

from 21.01.2022 and further, the temporary service cannot be considered as continuity of service. Challenging the same, the present Writ Petition has been filed.

3. Though very many grounds have been raised in this writ petition, when the matter is taken up for hearing today, the learned counsel for the petitioner submitted that, it would suffice, if this Court grants liberty to the petitioner to approach the appropriate Forum with regard to the date of regularization.

4. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without interfering with the impugned order passed by the respondent, grants liberty to the petitioner to approach the appropriate Forum with regard to the date of regularization and



W.P.No.7403 of 2023

for appropriate relief in the manner known to law.

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6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

03.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Managing Director,
Tamil Nadu Government Express,
Transport Corporation,
Pallavan Salai,
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WEB COPY



W.P.No.7403 of 2023

M.DHANDAPANI, J.

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W.P.No.7403 of 2023

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