



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-03-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

WP No. 22368 of 2018

1. R.Kalaiselvan,(DECEASED)

S/o. N. Ramaswamy, No. 8/ 137
Mariyamman Koil Street - 1,
Kurubapalayam, Vadapatti Post,
Coimbatore - 641007

2.K.Velumani,

W/o. R.Kalaiselvan. at No.8/137,
Mariyamman Koil Street-1,
Kurubapalayam, Vedapatti Post,
Coimbatore-641 007.

3.K.Manoranjani,

D/o.R.Kalaiselvan,at No.8/137,
Mariyamman Koil Street-1,
Kurubapalayam, Vedapatti Post,
Coimbatore-641 007.

4.Lakshmi,

W/o. Ramasamy
(Late),S/O.R.KALAISELVAN (LATE)
RESIDING at No.8/137, Mariyamman
Koil Street-1, Kurubapalayam,
Vedapatti Post, Coimbatore-641



007.(P2 TO P4 ARE SUBSTITUTED
AS LRS OF DECEASED P1, AS PER
ORDER DATED 13.02.2024 IN
WMP.3655/2022 IN WP.22368/2018
BY DEVJ)

Petitioner(s)

Vs

1. The Managing Director,
Tamil Nadu State Transport
Corporation, Sungam Division 1, No.
37 Mettupalayam Road, Coimbatore -
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2.K.Velumani,
W/o. R.Kalaiselvan. at No.8/137,
Mariyamman Koil Street-1,
Kurubapalayam, Vedapatti Post,
Coimbatore-641 007.

Respondent(s)

PRAYER: Writ petition is filed under Section 226 of the Constitution of India for issuance of a Writ of declaration declaring that the termination of the petitioner by order dated 02.04.1998 as illegal and in violation of the law governing the persons with disabilities and consequently direct the respondent to provide the petitioner with wages for the period of non-employment, continuity of service and all other attendant benefits.



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For Petitioner(s): M/s.K.C.Karl Marx

For Respondent(s): Mr.A.Sundaravadanam.

ORDER

The Writ Petition has been filed to declare that the termination of the petitioner by order dated 02.04.1998 as illegal and in violation of the law governing the persons with disabilities and consequently direct the respondents to provide the petitioner with wages for the period of non-employment, continuity of service and all other attendant benefits.

2. The deceased first petitioner who was issued with temporary appointment on 28.06.1990 met with an accident while he was on duty on 08.04.1991. On 18.05.1991 his services were regularized and from 09.10.1993 he was given with light duty. On 02.03.1998 the deceased first petitioner was granted with the promotion based on the first review. On 28.03.1998 an order has been issued for compulsory retirement for the deceased first petitioner on the ground of medical invalidation. However, the deceased first petitioner was appointed as a fresh entrant on 19.12.2009. The deceased first petitioner had given a representation to the respondents to consider and issue orders to continue service from the date of his initial appointment. As the same was not considered the deceased first petitioner has filed this writ petition.



3. As the first petitioner died during the pendency of this writ proceedings his legal heirs have been impleaded as petitioners 2 to 4.

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4. Mr.A.Sundravadanam, the learned counsel for the respondents, submitted that after the petitioner was given an order for compulsory appointment on 28.03.1988 he raised an Industrial Dispute before the Labour Court in I.D.No.77/2006 and on which a settlement was entered and in view of that the deceased first petitioner had withdrawn the Industrial Dispute. As per the terms of agreement, the deceased first petitioner was appointed as a Helper on the condition that he is not eligible to get the benefit of his past service rendered as a Driver between the period from 29.06.1990 to 02.04.1998 and that he is not eligible for any pay and allowance from 02.04.1998 till he joins as a fresh entrant as Helper in the Corporation and he should settle the accounts for the services rendered by him as a Driver from 26.06.1998 to 02.04.1998. After having agreed to these terms of settlement and accepted the order of appointment issued on 19.12.2009, the petitioner has filed this writ petition by suppressing the fact that the earlier Industrial Dispute has been settled before the Labour Court in I.D.No.77/2006 and the petitioner could get the appointment order only in pursuant to the said settlement.

4.1 The learned counsel for the respondent further submitted that the petitioner had accepted the appointment order given to him on 19.12.2009 and he has not chosen to challenge the same and he continued to be in service till his



death in the year 2021.

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5. The deceased first petitioner appears to have given a fresh lease of life for the issue which has been already settled and put to rest in the earlier round of litigation filed by him before the Labour Court and the settlement has also been arrived during the pendency of the same. Having availed the benefit of settlement, the petitioners cannot challenge the same just by raising the facts contrary to the settlement.

6. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

14-03-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Managing Director,
Tamil Nadu State Transport
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R.N.MANJULA J.

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