



WEB COPY

W.A.No.227 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **G. ARUL MURUGAN**

W.A.No. 227 of 2025
and CMP No.1612 of 2025

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram Div. II) Ltd.
Vellore.

...Appellant

Vs.

1. M. Shanmugam
Chathiram Street,
Damal Post, Kancheepuram District.

2. The Joint Commissioner of Labour,
(Conciliation)
Chennai 600 006.

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order dated 18.08.2023 passed in WP No.15769 of 2012.

For Appellant : T. Chandrasekaran



J U D G M E N T

*(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)*

The Transport Corporation is on Appeal challenging the orders of the Writ Court directing regularization of the services of the petitioner with effect from 01.09.2005 in the time scale of pay applicable to the post of driver and pay all arrears of salary and consequential benefits.

2. The workman was appointed, temporarily, as a driver. Since there was an accident while he was in service he was disengaged with effect from 12.10.2003. This disengagement prompted the workman to raise an Industrial Dispute. The Corporation sought for approval of the disengagement/discharge under Section 33(2)(b) of the Industrial Disputes Act, 1947.

3. The Joint Commissioner of Labour refused approval on 12.02.2005, the order rejecting approval was not challenged. The petitioner sought for reinstatement vide his representation dated 30.05.2005. Since the said request was not considered, the petitioner moved this Court seeking a



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Mandamus directing reinstatement with all consequential benefits. Pending the said writ petition, the workman was engaged as a casual labourer and he continued to work as a driver till date of his reinstatement. In as much as his services were not regularized despite passage of time, the petitioner was forced to move this Court again in WP No.15769 of 2012.

4. Before the Writ Court, the Management did not dispute the fact that the workman has been working through out as a driver. Therefore, taking note of the fact that there is a 12(3) settlement dated 31.08.2005 in and by which the workman would be entitled to be regularized as a driver, the Writ Court had allowed the Writ Petition. Aggrieved the Management has come up with this Appeal.

5. We have heard Mr.T.Chandrasekaran, learned counsel appearing for the Management/appellant.

6. We do not find any merit in the Appeal. Admittedly the petitioner was and is working as a driver in the Corporation and it is not in dispute



that his case is covered by 12(3) settlement dated 31.08.2005. The rejection of approval of his discharge has also become final. Therefore, the Corporation has no other option but to regularize the services of the petitioner.

7. Mr.T.Chandrasekaran, learned counsel would however point out that there is a dispute regarding back wages payable and a Review Petition is pending in Review Application No.69 of 2012, in which review of the order in WP No.35965 of 2005 dated 28.11.2011 has been sought for to the extent it directed payment of arrears of back wages. We make it clear that the payment of any benefits to the workman consequent upon regularization will be subject to the result of the Review Petition.

8. The Writ Appeal is therefore dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) (G. ARUL MURUGAN, J.)
14.02.2025

jv

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Index : No
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Speaking order

To

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