



W.P.(MD)No.15548 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

CORAM

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.15548 of 2019

P.Chinnavel

... Petitioner

Vs.

1.The Managing Directorate

Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
K.T.C.Nagar, Tirunelveli-11.

2.The General Manager

Tamil Nadu State Transport Corporation (Tirunelveli)Ltd.,
Vannarapettai, Tirunelveli-3.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to regularise the petitioner's service with effect from June 2011 with all service benefits, seniority and arrears of back wages and all other consequential attendant benefits as per law on regularised scale from the date on which the petitioner completed probation period of services.

For Petitioner : Mr.K.Guhan

For Respondents : No Appearance



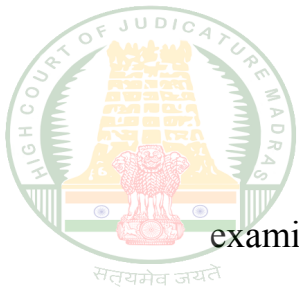
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ORDER

This writ petition has been filed seeking direction to the respondent to regularize the service of the petitioner with effect from June 2011 with all service benefits.

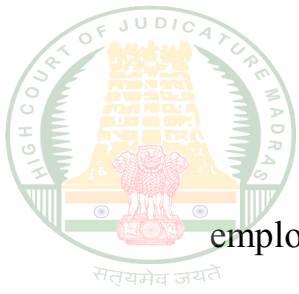
2.It is the case of the petitioner that he joined as Conductor before the respondent Corporation on 15.10.2008. He was continuing the service from the said date. On 16.07.2010, the petitioner was in duty as ? Conductor, at that time, the Driver of the bus drove the bus in a rash and negligent manner. To that effect, the said bus met with an accident, due to the same, the petitioner suffered from leg injuries. He was admitted in the hospital and he was in-patient for more than 25 days. He filed MCOP.No.265 of 2011 on the file of the Sub Court, Tirunelveli seeking compensation and the same is allowed in his favour. Due to his disability caused in the accident, he was unable to work. He had chosen to file a writ petition before this Court in W.P.(MD)No.10713 of 2012 seeking direction to provide alternative employment. The said writ petition was disposed on 02.08.2012. In pursuance of the direction given in the said writ petition, he appeared before the Medical Board for



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examination. On the basis of the medical certificate issued by the Medical Board, the respondent Corporation have provided alternative employment as Non-ITI Helper. As per 12(3) settlement, the employees, who have been completed 240 days, treated as permanent employees. Originally, the petitioner was appointed on 15.10.2008 as Conductor and he has completed 240 days on 15.10.2009 itself. The respondent Corporation have chosen to regularize his job from 11.01.2014 instead of regularizing from June 2011. The petitioner submitted a detailed representation dated 12.11.2018 before the first respondent seeking for regularization from June 2011. The said representation is still pending before the first respondent. Hence, the writ petition.

3.The learned counsel appearing for the petitioner would submit that as per 12(3) Settlement, the employees, who have been completed 240 days, treated as permanent employees. The petitioner was appointed on 15.10.2008 as Conductor and he has completed 240 days of service on 15.10.2009 itself. However, the respondent Corporation wrongly regularized only from 11.01.2014. The respondent Corporation ought to have regularized the service from June 2011. He would submit that due accident occurred while he was in service, he was provided alternative



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employment and the respondents are duty bound to consider the representation submitted by the petitioner.

4.No one appeared on behalf of the respondents.

5.It is seen from the records that the representation dated 12.11.2018 sent to the first respondent, to that effect postal acknowledgment receipt has also annexed in the typed-set of papers. Without going into the merits of the case, this Court is inclined to issue a direction to the first respondent. It is made clear that this Court has not gone into the merit of the matter. The first respondent is directed to consider the petitioner's representation dated 12.11.2018 and pass orders on merits and in accordance with law, if there is no any legal impediment, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

NCC : Yes / No
Index : Yes / No
gns

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To

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M.JOTHIRAMAN, J.

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