



WP(MD)No.18673 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON 07.10.2025	PRONOUNCED ON 24.11.2025
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CORAM:

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

W.P.(MD)No.18673 of 2025

R.Nalluchamy

... Petitioner

/vs./

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Madurai Division,
Bye-pass Road,
Madurai.

2.The General Manager,
The Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent vide proceedings in Reference : Tha Na.ApoKa (Madurai) Ltd., ThiMa.Aatchi:P1:07-1, dated 30.04.2025, and to quash the same as illegal in so far as the date of regularization is concern and to further direct the respondents to regularize the petitioner's service as Driver on completion of 240 days of continuous service with effect from 22.10.2023 and to grant all service benefits including attendance and monetary benefits with seniority and for other reliefs.



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For Petitioner : Mr.J.Lawrance

For Respondents : Mr.S.Raja Standing counsel

ORDER

This Writ Petition had been filed to quash the impugned order passed by the second respondent, dated 30.04.2025, as illegal in so far as the date of regularization is concern and to further direct the respondents to regularize the petitioner's service as Driver on completion of 240 days of continuous service with effect from 22.10.2023 and to grant all service benefits including attendance and monetary benefits with seniority and for other reliefs.

2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioner, Mr.S.Raja, learned Standing counsel appearing for the respondent.

3. The learned counsel appearing for the petitioner would submit that the petitioner's name was sponsored by Employment Exchange, Dindigul and was issued with a call letter on 20.11.2014 for the interview to the post of Reserve Driver. Pursuant to the said call letter, the petitioner had also appeared in the interview and had waited for an appointment. As no intimation was received and since the employment registration period was about to expire, he had approached



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the Employment Office for renewal which was refused by indicating that the petitioner had already been appointed as a Reserve Driver in the second respondent Corporation.

4. He would submit that there has been no selection order or appointment order given to the petitioner nor any communication had been sent to him regarding his appointment, however, the second respondent by his proceedings dated 16.05.2015 had informed the District Employment Office about his appointment and renewal was refused by indicating that the petitioner had already been appointed as a Reserve Driver in the second respondent Corporation. Hence he had made a representation under the RTI Act seeking to provide selected candidates list and by proceedings dated 16.05.2015, the list of eligible candidates for appointment to the post of Reserve Driver was sent and his name was found there in the list and therefore his name was removed from the live register of the employment exchange. He had made a further application under RTI Act as to whether any information had been received from the second respondent relating to the employees who had failed to join duty and also had received a reply that no such communication had been received from the office of the second respondent. Hence, he had approached this Court seeking for



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Mandamus directing the first respondent to appoint the petitioner as a Reserve

Driver w.e.f., 16.05.2015 and to provide all attendant benefits.

5. He would submit that this Court by order dated 11.03.2021 had directed the first respondent to provide employment to the petitioner as per the appointment order dated 01.01.2015 and file a compliance report. When the matter was taken up on 25.03.2021, this Court recording the compliance, had closed the Writ Petition. Thereafter, the petitioner had filed an another W.P. (MD).No.13859 of 2022, as his representation seeking for regularization of the services as Driver on par with 16 drivers selected by the second respondent by the proceedings in which the petitioner was also selected with seniority and all other benefits. This Court considering the entire issue had directed the respondent to consider the representation of the petitioner on merits and in accordance with law. But however by proceedings dated 02.01.2023, holding that the petitioner had been only appointed on a temporary basis on daily wages had held that the petitioner is entitled for the benefits of the Tamil Nadu Trade Transport Corporation Employees Pension Fund Trust, as his appointment was made after 01.04.2003 and brought him under the Contributory Pension Scheme.



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6. In the interregnum, a criminal case was registered against the petitioner in crime No.45 of 2020, which was converted as a calender case in C.C.No.179 of 2021 in which he had been honourably acquitted by the judgment of the Trial Court dated 26.11.2024. But however, under the impugned order, the petitioner had been made permanent only w.e.f., the date of the acquittal. He would submit that the petitioner had been kept in dark without issuing an order of appointment as early as in the year 2015 and after the petitioner had approached the Court in the year 2016, based upon the orders of the Court in 2021, order of appointment had been made giving effect to the appointment from 16.05.2015, but however, the petitioner had been kept as a temporary appointee on daily wages, which itself is wholly bad in law. Having given a report of compliance, the respondents cannot be allowed to go back on the same and therefore, he seeks indulgence of this Court in setting aside the order with a direction to regularise the appointment of the petitioner as made in the case of other Drivers, who have been appointed under the order of appointment where the petitioner's name had also been included.

7. Countering his arguments, Mr.S.Raja learned Standing counsel appearing for the respondents would contend that on the date of actually passing the order



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of appointment pursuant to the order of this Court, the petitioner had been involved in a criminal offence, which was pending adjudication and hence, the petitioner was not appointed regularly and only from the date of his acquittal namely, 26.11.2024, the petitioner had been regularly appointed to the post of Reserve Driver. Hence, the claim of the petitioner to regularise the services as a Driver on completion of 240 days of continuous service w.e.f., 22.10.2023 is wholly improper and he is not entitled for the relief as claimed by him. Hence, he prays this Court to dismiss this Writ Petition.

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

9. In the Writ Petition filed by the petitioner in W.P.(MD).No.24392 of 2016, by order dated 11.03.2021, this Hon'ble Court had passed the following order:-

2. In view of the above, this Court is inclined to issue a direction to the first respondent to provide employment to the petitioners, as per the appointment orders dated 01.01.2015 and report before this Court on 18.03.2021. 3. Post the matters on 18.03.2021, 'for reporting compliance'



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10. Thereafter, the matter was directed to be listed under the caption “For Reporting Compliance”. When the matter was taken on 29.03.2021, the learned Additional Advocate General appearing on behalf of the respondents had submitted that the order of this Court had been complied with. A reading of the order of appointment would indicate that the petitioner's appointment had been made on temporary basis on and from 09.09.2021. The petitioner had not challenged the same and had been satisfied with the appointment from 09.09.2021 and had not sought for any retrospective appointment. However, the petitioner had been regularised w.e.f., 26.11.2024 under the orders impugned herein. The reasons that had been assigned by the respondent is that the involvement of the petitioner in a criminal case, on the date of order of appointment which had been made pursuant to the directions issued by this Court.

11. It is to be noted that the petitioner had been honourably acquitted in the criminal case that had been lodged against him by a well considered judgment of the Trial Court. When that being so, the petitioner is entitled for regularisation on completion of 240 working days of continuous service from the date of his initial appointment namely, 09.09.2021, as if there has been no criminal case against the petitioner.



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12. In view of the same, the Writ Petition stands allowed and the impugned order is set aside with a direction to regularise the services of the petitioner from the date of completion of 240 days of continuous service by counting the same from the date of his initial appointment dated 09.09.2021 and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order and grant him all consequential monetary and attendant benefits. However, there shall be no order as to costs.

24.11.2025

Index : Yes / No

Internet : Yes / No

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- 2.The General Manager,
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K.KUMARESH BABU, J.

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Pre-Delivery Order made in
W.P.(MD)No.18673 of 2025

24.11.2025