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W.A.No.217 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.217 of 2026
and
C.M.P.No.1963 of 2026**

Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Rangapuram,
Vellore Region,
Vellore – 632 009.
Represented by its General Manager

... Appellant

-Vs-

M.Rajagopal (deceased)
S/o.Late Srinivasa Padayachi

1. Manjula
2. Selvi
3. Rogini
4. Logesh

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 10.09.2024 in W.P.No.19749 of 2012.



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For Appellant : Mr.T.Chandrasekaran

J U D G M E N T

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

This intra-Court appeal has been directed against the order dated 10.09.2024 made in W.P.No.19749 of 2012.

2. The deceased respondent, viz., Rajagopal was an employee and other respondents are the legal heirs of the deceased respondent. The deceased employee was initially engaged as a Driver under daily wage rate basis against a regular sanctioned vacancy through Employment Exchange with effect from 31.12.1999.

3. In that capacity, he had been working even prior to his joining in service and on 30.09.1992, there has been settlement under Section 12(3) of the Industrial Disputes Act, 1947 between the employer and employees Union, as per which, the employees who have been engaged on daily wage rate basis against a permanent vacancy through Employment Exchange is entitled to get regularization on completion of 240 days satisfactory service in one year.



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4. Though he had completed 240 days service, since he has not been regularised, he had made a request to get regularization which was considered belatedly and he has been regularised by order dated 20.09.2005, by which the regularization has been given effect to only from 01.09.2005.

5. Aggrieved over the said belated regularization made against the deceased respondent / employee, he approached the writ Court and filed the said writ petition in W.P.No.19749 of 2012.

6. During the pendency of the writ petition, it seems that, the original writ petitioner / employee died, therefore, the petitioners, i.e., P2 to P5 have been impleaded as legal heirs of the deceased original writ petitioner.

7. That is how, the other petitioners, who are the respondents herein, have come into picture in the said litigation and the writ petition was allowed by the writ Court through the order impugned dated 10.09.2024.

8. We have gone through the order passed by the writ Court, where relevant portion of Section 12(3) Settlement has been extracted by the learned



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Judge under the heading ‘CONFIRMATION’ where paragraph Nos.4 to 8 of the said settlement speaks in detail about how a person, who completed 240 days in temporary service by way of daily wage rate basis, shall be confirmed on completion of 240 days.

9. Two reasons have been cited for the belated regularization made by the employer. The first reason was that, during temporary service, there had been some disciplinary proceedings against him which resulted in deferring the regularization upto 2005. The second reason was, there was a letter written by Secretary on 05.07.2001 stating that no regularization shall be made on the casual labourers / drivers / conductors without prior approval of the Board. Therefore, they treated it as a ban put forth by the Secretary of the Board and that is the reason why the regularization process had been deferred and taken up belatedly with effect from 01.09.2005 alone, was the contention raised by the appellant /employer before the writ Court.

10. These two reasons having been considered was rejected by the writ Court for the reason that, insofar as disciplinary proceedings is concerned, it is a very very minor allegation of negligence for which a recovery of sum of Rs.115/- and Rs.75/- on two occasions had been made, therefore, if at all on that



basis if it is to be deferred for regularization, that postponement can be taken place only for maximum period of three months or 60 days and not for years together like the present one. Insofar as the second ground of the letter of the Secretary dated 05.07.2001 is concerned, the learned Judge in paragraph Nos.10 & 11 of the impugned order has discussed the same and given answer stating that since the terms of agreement under Section 12(3) of the Industrial Dispute Act will have a statutory force, when that being so, the letter issued by the Secretary cannot take away the terms and conditions imposed under 12(3) settlement.

11. Therefore, the two grounds raised by them for the belated regularization sine has been considered by the writ Court and found against the employer, the learned Judge has allowed the said writ petition through the impugned order.

12. We do not find any error in the said approach and the conclusion reached by the learned Judge in passing the order impugned, thereby, the direction since has been given to regularize the services of the respondent, i.e., deceased employee on completion of 240 days on the basis of 12(3) Settlement dated 30.09.1992 is very justifiable and therefore, the said order is to



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be sustained and accordingly, it is sustained, as a result of which, the Writ Appeal fails and hence, it is dismissed. There shall be a direction to the appellant / Transport Corporation to comply the order passed by the writ Court and calculate the service benefits to the deceased employee, i.e., respondent and accordingly, such service benefits including the retiral benefits be calculated and paid to the legal heirs who are the respondents herein within a period of three months from the date of receipt of a copy of this judgment. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

(R.S.K., J.) (S.S.A., J.)
19.02.2026

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

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To

The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) Limited,
Rangapuram,
Vellore Region,
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