



WEB COPY

WP No. 50105 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

WP No. 50105 of 2025

P.Kabali
S/o.R.Perumal,
No.83/86, Kamarajapuram, 3rd Street,
Nungambakkam, Chennai 600034.

..Petitioner

Vs

1. The Secretary to the
Government Of Tamil Nadu,
Transport Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The State Express Transport Corporation Ltd.,
Represented By Its Managing Director,
Thiruvalluvar House, Pallavan Salai,
Chennai 600002.

..Respondents

Prayer:

Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus to direct the respondents to grant re-employment to the petitioner as a bus conductor under 2nd respondent corporation with all the back wages and all consequential benefits pursuant to the order dated 23.04.1997 in WP.No.2552 of 1997 and dispose of his representation dated 08.09.2025

For Petitioner:

Mr.G.Saravanabhavan

For Respondents:

Mr.P.Balathandayutham
Special Government Pleader



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ORDER

This Writ Petition been filed to direct the respondents to grant re-employment to the petitioner as a bus conductor under the second respondent Corporation with all back wages and consequential benefits pursuant to the order dated 23.04.1997 in W.P.No.2552 of 1997 and to dispose of his representation dated 08.09.2025.

2. Heard the learned counsels on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.

3. The brief facts of the case are as follows:-

a) The petitioner was employed as a temporary bus conductor under the Management of the secon respondent by way of oral appointment in the year 1994 and rendered uninterrupted service continuously for more than 240 days. While so, the second respondent, erroneously, without any reason, retrenched the petitioner from service in the year 1996, without following due process, as stipulated under the Industrial Disputes Act, 1947. That apart, irrespective of whether the retrenchment is done in a proper manner or not, Section 25H of the Industrial Disputes Act, 1947 states that the retrenched employees shall have the



preference over other employees while re-employment is offered, however, violating the said provision, the second respondent employed the workman in the place of the petitioner without preferring the petitioner.

b) Accordingly, the petitioner filed a petition in W.P.No.2552 of 1997 against the second respondent seeking to declare the termination of the petitioner from service, is illegal. The Hon'ble First Bench of this Court, heard the case along with other Writ Petitions and Writ Appeals filed by the similarly placed persons and disposed the same by an order dated 08.12.1997 by directing the second respondent to reinstate the retrenched workmen, who has completed 240 days of service, however, the petitioner was not reinstated. Therefore, the petitioner and other 20 colleagues filed another Writ Petition No.32389 of 2005 and this Court directed the second respondent to consider the case of the petitioner, however, the same was rejected by the first respondent. Hence the petitioner has come forward with the present Writ Petition.

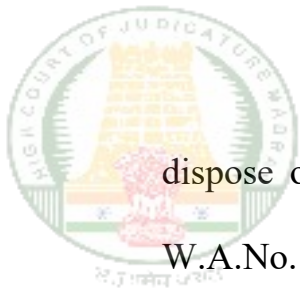
4. The learned counsel for the petitioner would submit that the petitioner was diligently following up with the office of the second respondent to get reinstated as a bus conductor but all his efforts are in vain. Further, he submitted that the respondents did not consider any of his petitions seeking for re-employment and thereby pleaded to allow the present Petition.



5. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the petitioner along with the similarly placed persons filed the Writ Petition challenging the retrenchment order in the year 1997 and thereafter, in the year 2005, after a lapse of 8 years, again, the petitioner, in the year 2025 nearly after two decades, filed the present writ petition, which cannot be sustained in the eye of law and therefore, prayed this Court to dismiss the petition.

6. I have considered the rival submissions made by the respective learned counsels and also perused the materials placed on record.

7. On perusal of the records, it is seen that the petitioner who was employed on oral appointment, was retrenched from service during the year 1996 by the second respondent. Thereafter, in pursuant to the judgment passed by the Hon'ble First Bench of this Court and the order passed by this Court in W.A.No.1294 of 1997 dated 08.12.1997 and W.P.No.2552 of 1997 dated 23.04.1997 respectively, several letters were issued to the petitioner by the second respondent to submit the documents during the year 1998. That apart, again, the petitioner and the similarly placed persons, as that of the petitioner, had approached this Court in the year 2005 by way of W.P.No.32389 of 2005 and this Court, by an order dated 01.12.2006 directed the second respondent to



dispose of the case of the petitioners therein, as per the directions issued in W.A.No.1294 of 1997. While being so, the petitioner, after a lapse of nearly two decades, has submitted a representation dated 08.09.2025, which cannot be considered at this distant point of time.

8. In view of the reasons stated above, the present Writ Petition stands dismissed. There shall be no orders as to costs.

02.01.2026

Index: Yes/No;
Speaking/Non-speaking order
Neutral Citation: Yes/No

DP

To

1. The Secretary to
The Government Of Tamil Nadu Transport
Department, Secretariat, Fort St. George,
Chennai 600009.
2. The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvar House, Pallavan Salai,
Chennai 600002.



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M.DHANDAPANI, J.

DP

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