



W.P(MD)No.8595 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

Writ Petition(MD)No.8595 of 2025

and

W.M.P(MD)Nos.6430 & 6431 of 2025

P.Kuppusamy

.. Petitioner

Vs

1.The Tamil Nadu State Transport Corporation,
(Madurai) Ltd,
rep. by its Managing Director,
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, praying this Court to issue a Writ of Mandamus directing the respondents to forthwith reinstate the petitioner into service on permanent basis from the date of completion of 240 days of service to be reckoned from 16.02.2008 along with continuity of service all other attendant benefits including back wages, annual increments etc. payable from 22.12.2012 to till the date on which he is provided with duty in the post of Driver in the Respondent Corporation on the basis of order dated 30.03.2015 passed in A.P.No.307 of 2012 by the Special Deputy Commissioner of Labour, Chennai rejecting approval under Section 33(2)(b) of the I.D. Act, 1947 for the order of dismissal



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passed against the petitioner by the respondent dated 22.12.2012 as confirmed in W.P(MD)No.11264 of 2016 dated 12.02.2018 and in W.A(MD)No.228 of 2019 dated 02.09.2024.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.K.Ramaiah

ORDER

The petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondents to reinstate him in service on a permanent basis from the date of completion of 240 days of service, reckoned from 16.02.2008, with continuity of service and all attendant benefits, including back wages, annual increments, etc., payable from 22.12.2012 till the date of reinstatement in the post of Driver in the respondent Corporation. The said relief is sought based on the order dated 30.03.2015 passed in A.P. No. 307 of 2012 by the Special Deputy Commissioner of Labour, Chennai, rejecting approval under Section 33(2)(b) of the Industrial Disputes Act, 1947, for the order of dismissal dated 22.12.2012, which has been confirmed by this Court in W.P. (MD) No. 11264 of 2016 dated 12.02.2018 and by the Division Bench in W.A. (MD) No. 228 of 2019 dated 02.09.2024, and thereafter affirmed by the Hon'ble Supreme Court.

2. The petitioner, while serving as a driver in the respondent Corporation, was issued a charge memo alleging that, due to rash and negligent driving, a motorcyclist and a pillion rider travelling in front of his vehicle died, resulting in monetary loss to



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the respondent Corporation. The respondent Corporation filed a petition under Section 33(2)(b) of the Industrial Disputes Act, 1947, seeking approval of the dismissal of the petitioner-workman.

3. The Deputy Commissioner of Labour, by order dated 30.03.2015, dismissed the said approval petition. The said order was confirmed by this Court and subsequently by the Division Bench, and was also affirmed by the Hon'ble Supreme Court. Despite the same, the respondent Corporation failed to reinstate the petitioner with attendant benefits, necessitating the filing of the present writ petition.

4. During the pendency of the writ petition, the petitioner was reinstated in service on 05.12.2025. However, the petitioner contends that he is entitled to continuity of service, arrears of salary, and all other attendant benefits. Since the reinstatement relates back to the date of dismissal, and as on the date of dismissal the petitioner had completed more than 240 days of service, he is entitled to the benefits applicable to a permanent employee. The denial of such benefits is stated to be arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution of India.

5. The petitioner has also relied upon a Memorandum of Settlement under Section 12(3) of the Industrial Disputes Act dated 25.09.1986, under which the services of drivers and conductors are to be confirmed upon satisfactory completion of 240 days of actual work within a continuous period of one year. In terms of the said



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settlement, the petitioner is entitled to conferment of permanent status upon completion of 240 days of service, i.e., from 16.02.2008.

6. Accordingly, this writ petition is disposed of with a direction to the respondents to confer permanent status on the petitioner from the date of completion of 240 days of service, with continuity of service and all attendant benefits. However, the petitioner shall be entitled to only 50% of the back wages. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

09.04.2026

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

HEMANT CHANDANGOUDAR, J.

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