
(2006) 09 MAD CK 0316

In the Madras High Court

Case No : Writ Petition No's. 36563 to 36572, 36587 to 36596 and 36764 to 36766 of 2006

R. Dharmalingam

APPELLANT

Vs

Tamilnadu State Transport Corporation Ltd.

RESPONDENT

Date of Decision : 28-09-2006

Acts Referred:

Industrial Disputes Act, 1947 — Section 25H

Citation : (2006) 09 MAD CK 0316

Hon'ble Judges : P. Jyothimani, J

Bench : Single Bench

Advocate : D. Hariparanthaman, for the Appellant; A. Edwin Prabakar, GA, for the Respondent

Judgement

P. Jyothimani, J.—The petitioners have joined in the respondent/Corporation as Conductors/Drivers on respective days and they were retrenched from services. This Court, in a judgment reported in 2006 (1) LLN Page 1, has directed that in such cases, wherein the petitioners who were retrenched from services, in case of fresh recruitment, should be given preference. Based on that, the Government has also passed G.O.Ms. No. 41, Transport (C1) Department, dated 13.07.2006, directing the respective Corporations to give preference to the retrenched employees in the case of re-employment. The petitioners have also made representations on 22.8.06 (in W.P.Nos.36563 to 36572/06), 14.8.06, 14.08.06, 19.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06, 22.8.06 (in W.P.Nos.36587 to 36596/06), 14.8.06, 23.8.06 and 14.8.06 (in W.P.Nos.36764 to 36766/06

2. In addition to that, the petitioners are also entitled for the benefits conferred u/s 25-H of the I. D. Act. The Division Bench of this Court in W.A.Nos.1294 to 1297/97 by order dated 8.12.97 has held that in such cases, wherein the persons who have worked for more than 240 days, in case of re-employment, they should be given preference and in cases of persons, who have not

completed 240 days, they must be permitted to complete 240 days and then they shall be considered for re-employment. This order will not be applicable if a person has not even worked for a single day and makes a bogus claim.

3. Following the same, the writ petitions are ordered directing the respondent/ Corporation to consider the representations and pass orders in accordance with law.

4. With the above observation, the writ petitions are ordered. No costs.