

The Management Vs President,

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Court : Chennai

Decided On : Feb-03-2026

Judge : Honourable Mr.Justice D.Bharatha Chakravarthy

Appeal No. : WP/28174/2019

Appellant : The Management

Respondent : President,

Judgement :

2026:MHC:411

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 20.01.2026 Orders pronounced on : 03.02.2026

CORAM :

THE HONBLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY and
W.M.P.No.27834 of 2019 The Management, Metropolitan Transport
Corporation (Chennai) Ltd., Rep. by its Managing Director, Pallavan
Illam, Anna Salai, Chennai - 600 002. .. Petitioner

Versus

President, Nethaji Transport Workers Union, Regn.No.3553/CNI No.18, Kollam Thottam, Madhavaram High Road (North), Perambur, Chennai - 600 011. .. Respondent Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records passed by the 1 st Additional Labour Court in I.D.No.87 of 2018, dated 24.06.2019 and quash the same as illegal. For Petitioner : Mr.Gauthamaraj, Standing Counsel For Respondent : Mr.C.D.Sugumar

ORDER

This Writ Petition is filed challenging the award of the I Additional Labour Court, Chennai dated 24.06.2019 made in I.D.No.87 of

2018. By the said award, the regularisation order that was passed against

the workmen, dated 25.09.2015 was set aside and the management was directed to regularise the workman as permanent with effect from 17.10.2012 and to pay the consequential monetary benefits with continuity of service within 30 days from the date of publication of the award and failing which the management was directed to pay the interest at the rate of 8% per annum on the above amount. Aggrieved by the same, the present Writ Petition is filed.

2. Upon hearing the learned Counsel for the petitioner and

perusing the affidavit filed in support of the Writ Petition and material records of the case, the case of the petitioner management is that the Government issued G.O.(D).No.41, dated 16.03.2007, as per which, it was decided to create a reserve crew with reference to the sanctioned strength of Driver, Conductor and all the other employees. Initially, persons were appointed in the reserve category and as per the Government Order and the subsequent decision of this Court in W.P.No.22852 of 2012, as and when the regular vacancy arises, the employees who were initially appointed in the reserve crew, will first be absorbed and only after exhaustion of these reserve crew employees, any other method of recruitment can be resorted to. There is also a settlement between the management and the workman under Section 12(3) of the Industrial Disputes Act.

It was agreed that once a regular vacancy arises, initially, the reserve crew employee will be absorbed and will be appointed on daily wage basis and upon satisfactory completion of 240 days of actual work, he will be confirmed as a permanent employee.

3. It is the contention of the management that this petitioner was

accordingly appointed in the reserve crew on 04.10.2012 and thereafter, as and when a regular vacancy arose, he was appointed on daily wage basis on 24.02.2014. Thereafter, with effect from 21.08.2015, when he had completed 240 days of actual work, he was confirmed and placed in the scale of pay of Rs.5,200-Rs.20,200/- as per the settlement and accordingly, the petitioner is working. Without taking any of it into account, the Labour Court has directed the confirmation of permanent status from the first date of appointment in the reserve crew that is with effect from 17.10.2012 itself which is erroneous in law.

4. Per contra, the learned Counsel for the workman would

submit that firstly, the management has to abide by the judgment of this Court in W.P.No.22852 of 2012. As per the same, the workman is entitled for regularisation from the date of initial appointment on completion of 240 days of service. The learned Counsel would also rely upon the very same settlement under Section 12(3), more specifically, clause - 5 of the

settlement. The learned Counsel would also rely upon the Standing Order

No.4(a) of the management. By relying on the above, the learned Counsel would submit that the Labour Court has rightly ordered the regularisation from the date of initial appointment. Therefore, the same need not be interfered by this Court.

5. I have considered the rival submission made on either side and perused the material records of the case.

6. Firstly, it is essential to advert to G.O.(D).No.41, dated 16.03.2007. Paragraph Nos.2 to 5 of the said Government are extracted hereunder for ready reference:-

2. The Government examined the additional requirement of Drivers / Conductors consequent on the operation of Special Buses and increased leave facilities to the staff of State Transport Undertakings. Accordingly, it has been decided to recast the staff norms as follows without any change in the overall men ratio per bus:-

Sl.No. Category Norm

1. Driver 2.625 per scheduled service

2. Conductor 2.625 per scheduled service

3. All other 1.250 per scheduled service employees including workshop Total 6.500

3. It has also been decided to permit the

Managing Directors to create a reserve crew for spare buses at 0.6 per bus for Drivers and Conductors (i.e., 10% of total staff norm of 6.5 per bus) by selection through Employment Exchange initially on temporary basis and to be confirmed as and when vacancy arises, as per rules in force. They will be paid minimum wages when their services are utilized.

4. The Managing Directors of all State Transport Undertakings are therefore requested to follow the norms ordered above.

5. This order issues with the concurrence of Finance (BPE) Department vide its U.O.No.132/SS/KPR/2007, dated 15.03.2007.

7. Thereafter, when the matter, relating to the recruitment and

regularisation, came before this Court in W.P.No.22852 of 2012, the following was the submission made by the learned Additional Advocate General for the management and the order was accordingly passed and paragraph Nos.10 to 12 of the said judgment are extracted hereunder for ready reference:-

10. It is now stated by the learned Additional Advocate General that as against these norms, the Drivers, Conductors and Technical Staff will be appointed on regular basis only from and out of the reserve category staff who are already working. He has made a further submission that as against these vacancies without regularising these reserved category employees, there shall be no further appointment. Further according to him, certain employees who are involved in specific cases like fatal accidents, misbehaviour, major accidents, theft, fare collected ticket not issued cases will not be considered for regularisation.

11. In my considered opinion, virtually there

is no controversy in the prayer made in the writ petition as the learned Additional Advocate General has made a tacit statement that G.O.(D) No.41, dated 16.03.2007, will be scrupulously followed and the reserve category employees will be absorbed first.

12. In view of the same, the writ petition is

disposed of with a direction to the respondents to fill up the vacancies as per the regular permanent norms per bus as provided in G.O.(D).No.41, dated 16.03.2007, first by regularising the reserve category staff strictly based on their seniority. There shall be no appointment as against the permanent regular vacancies without appointing these reserve category employees. Further it is made clear that the reserve category employees against whom specific cases are pending like fatal accident, misbehaviour, major accident, theft, fare collected ticket not issued cases need not be considered. Consequently, the connected miscellaneous petition is closed. No costs.

Thus, it can be seen that what is agreed was that no regular vacancy will be otherwise filled up except first by absorbing the reserve crew in the regular post.

8. In this regard, it is also essential to extract the settlement under Section 12(3) that is entered into between the parties. Clause - 4 reads as under:-

4. A person recruited through the employment-exchange against a regular vacancy for the post of driver, conductor, junior tradesman, security guard or administrative staff and engaged on daily wage rate shall be confirmed after satisfactory completion of 240 days of actual work within a continuous period of one year in the category for which such person was originally selected and employed.

Thus, it can be seen that it is incumbent on the management that as and when any regular vacancy arises in the post mentioned therein, including Driver, Conductor etc., immediately, the persons who are working as reserve crew have to be absorbed and they have to be termed as daily wage employers.

9. As daily wagers, once they complete 240 days, immediately, they have to be conferred permanent status. The settlement under Section 12(3) clearly states that the permanent status has to be conferred on the

satisfactory completion of 240 days of actual work. The Standing Order

No.4(a), relied upon by the learned Counsel for the workmen, relating to probation, is also extracted hereunder:- 4/ jFjpfhz; gUtk;

(a) ntiy tha;g;gfr; rl;l;j;pw;F Kuz;glhjthW. jpdf;Typ

mog;gilapy; bjhlh;e;J Xuhz;Lg;gzpapy;. epue;ju fhypg;gzpaplj;jpy; 240 ehl;fs; gzpapid kdepitw[lld; Koj;jth;fSf;F gzpepue;jug;gLj;Jjy; neh;tfs; eP';fyhf. gzpapy; Kiwahfg; gzpakh;j;jg;gl;l xt;bthU bjhHpyhsUk; 6 khj fhyj;jpw;Fj; jFjpfhz; gUti;jpy; itf;fg;glntz;Lk;/

10. Even a reading of the same, it is clear that the reserve crew

employee has to be first absorbed as a daily wage employee as against the permanent vacancy and once he is absorbed, that employee will not be put into

probation, however, will be confirmed in service upon satisfactory completion of 240 days of actual work against the permanent vacancy.

11. Thus, it is clear that the workmen was rightly absorbed in the

regular vacancy on daily wage basis and upon completion of 240 days, was conferred permanency. The Labour Court completely overlooked all of the above. Even though the workman pleaded that he must be conferred permanency upon completion of 240 days, it ordered from the date of initial appointment. There is no illegality or infirmity in the action of the management conferring permanency only from 25.09.2015.

12. In the result, this writ petition is allowed. The award passed

by the I Additional Labour Court, Chennai in I.D.No.87 of 2018, dated 24.06.2019 stands quashed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. 03.02.2026 Neutral Citation : yes grs To The I Additional Labour Court, Chennai.

D.BHARATHA CHAKRAVARTHY, J.

grs and W.M.P.No.27834 of 2019 03.02.2026

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