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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.3440, 3444, 3447 & 3449 of 2022

R.Panjali
S.Poongkodi
M.Suresh
N.Ramalingam

..Petitioner in W.P.No.3440 of 2022
..Petitioner in W.P.No.3444 of 2022
..Petitioner in W.P.No.3447 of 2022
..Petitioner in W.P.No.3449 of 2022

Vs

1. The Chairman,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.
2. Chief Engineer,
Tamil Nadu Generation and Distribution
Corporation (TANGEDCO),
No.144, Anna Salai,
Chennai- 600 002.
3. The Superintending Engineer,
Thiruvannaalai Electricity Distribution
Circle, TANGEDCO, Thiruvannamalai-4.

..Respondent in all W.P's

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue writ of certiorarified mandamus, calling for the records of the 3rd respondent in proceeding Letter No. SE / ADO / ADM - 4 / ADS / A-4 / 2019, dated 05.04.2019, quash the same and consequently direct the respondents to repost the petitioner in the existing vacancy as Full Time regular employee with all attendant benefits instead of Part Time Conservancy workers and pass such further or other orders.



3. The learned counsel for the petitioners submits that the petitioners have served for more than 10 years and are entitled to regularisation on par with similarly placed persons.

4. However, the learned Standing Counsel for the respondents objects to the said contention and submits that the order relied upon by the petitioners was subsequently reversed. He contends that the petitioners are merely part-time employees who work for a limited duration of two hours daily, between 08:00 a.m. and 10:00 a.m., and are therefore not entitled to seek full-time employment. In this regard, he relies upon the judgment of the Division Bench of this Court dated 18.06.2024 in W.A. Nos. 1478 and 1479 of 2022, as well as another Division Bench judgment dated 06.02.2026 in W.A. No. 2792 of 2022. In those cases, similar reliefs sought by different persons across various cadres and departments were negated by this Court, holding that part-time employees are not entitled to regularization.

5. I have given my anxious consideration to the submissions made on either side and have perused the material on record.

6. It is well settled principle of law that the public employment should be made in accordance with the existing Service Rules in force. In the case in hand, admittedly, the petitioners were employed as part-time employees and



that no call for notifications were issued in respect of their appointments. In the judgment of the Constitution Bench in ***State of Karnataka v. Umadevi and others*** reported in 2006 (4) SCC 1 and ***Secretary to Government School Education Department, Chennai Vs. R. Govindaswamy and others***, the Hon'ble Supreme Court has categorically held that even where a scheme is formulated for regularisation with a cut-off date, it is not possible to others who were appointed subsequent to the cut-off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates. It was also held that part-time employees are not entitled to seek regularisation as they are not working against any sanctioned post. It was further held that there cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees. In this regard, paragraph 8 of the ***R. Govindaswamy and others*** Judgment is extracted hereunder:

“8.

(i) The High Courts, in exercising power under Article 226 of the Constitution will not issue directions for regularisation, absorption or permanent continuance, unless the employees claiming regularisation had been appointed in pursuance of a regular recruitment in accordance with relevant rules in an open competitive process, against sanctioned vacant posts. The equality clause contained in Articles 14 and 16 should be scrupulously followed and Courts should not issue a direction for regularisation of services of an employee which would be violative of the constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of



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the process, can be regularised, back door entries, appointments contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularised.

(ii) Mere continuation of service by a temporary or ad hoc or daily-wage employee, under cover of some interim orders of the court, would not confer upon him any right to be absorbed into service, as such service would be 'litigious employment'. Even temporary, ad hoc or daily-wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.

(iii) Even where a scheme is formulated for regularisation with a cut-off date (that is a scheme providing that persons who had put in a specified number of years of service and continuing in employment as on the cut-off date), it is not possible to others who were appointed subsequent to the cut-off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of fresh schemes providing for successive cut-off dates.

(iv) Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part-time temporary employees.

(v) Part-time temporary employees in government-run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment, even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the State must arise under a contract or under a statute."

(emphasis supplied)



7. In the case in hand, they are admittedly part-time employees and were not appointed in regular sanctioned vacancies. Hence, in view of the above factual position, this Court finds no merit in the present Writ Petitions, and consequently, stand dismissed. No costs.

14-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VEDA

To

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C.KUMARAPPAN J.

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