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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2929 of 2023

and

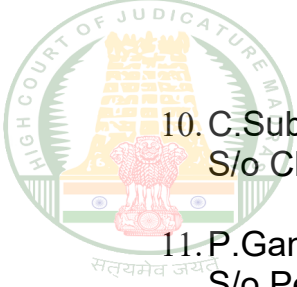
C.M.P.No.24294 of 2024 & C.M.P.No.10775 of 2026

The Commissioner of Municipal Administration
Chepauk, Chennai 5.

..Appellant(s)

Vs

1. P.Raju
S/o.Palani,
2. P.Palanisamy
S/o Palani,
3. M.Palanisamy
S/o Marimuthu,
4. K.Periasamy
S/o Kandasamy,
5. G.Arumugam (died)
S/o Gopal Naicker,
6. V.Sreenivasan
S/o Venkatachalam,
7. V.Perumal
S/o Venkatachalam,
8. T.Lakshmanan
S/o Thana Gounder,
9. P.Raja
S/o Palanisamy,



10. C.Subramani
S/o Chinnappa Gounder,

11. P.Ganesan
S/o Perumal,

12. C.Seerangan
S/o Chinnappan,

13. V.Jayakumar
S/o Velusamy,

14. K.Madhesvaran
S/o Kandhasamy,

15. K.Sekar
S/o Kandhasamy,

16. P.Kannan
S/o Perumal,

17. P.Arumugam
S/o Perumal,

18. R.Raja
S/o Ramalingam,

19. M.Perumal
S/o Muthu Gounder,

20. M.Sivaji (died)
S/o Mariappan,

21. V.Shanmugam
S/o Velayutham,

22. L.Ramasamy (died)
S/o Lakshmana Perumal,

23. K.Arul
S/o Kandhasamy,

24. S.Kannan
S/o Shanmugam,

25. S.Selvam

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S/o Srinivasan,

26. S.Nagalakshmi

W/o Sengodan,

27. V.Krishnaveni

W/o Venkatachalam,

28. K.Lakshmanan

S/o Kannan,

29. C.Govindan

30. D.Venkatesan

S/o Duraisamy,

31. R.Rangasamy

S/o Ramasamy,

32. M.Shanmugam

S/o Muthusamy,

33. S.Madhesvari

W/o Muthusmay,

34. S.P.Vadivel

S/o Palaisamy,

35. M.Radha

S/o Mariappan,

36. A.Ponnammal

W/o Arumugam,

37. The Commissioner

Salem Municipal Corporation, Salem 636001.

38. A.Murugan

S/o.Late Arumugam,

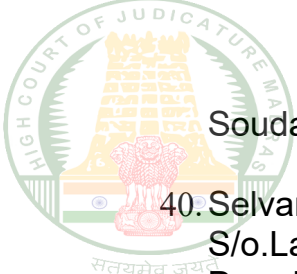
Door No.43, Mariamman Koil Street,

Soudapuram Village, Salem District

39. Chandrasekaran

S/o.Late Arumugam,

Door No.43, Mariamman Koil Street,



Soudapuram Village, Salem District

40. Selvaraj
S/o.Late Arumugam,
Door No.43, Mariamman Koil Street,
Soudapuram Village, Salem District

41. Kalaivani
D/o.Late Arumugam,
Door No.43, Mariamman Koil Street,
Soudapuram Village, Salem District.
R5-Died. R38 to R41 are brought on record as
LRS of deceased R5 vide court order dated
20.11.2025 made in CMP.No.4486/2025 in
WA.No.2929/2023 (RSKJ and HCJ)

42. S. Manivasagan
S/o Late M.Sivaji, No. 6/671, Gandhi Nagar
2nd Street, Ganesapuram Colony,
Vaikalpattarai,Salem. Salem

43. S. Mala
D/o Late M.Sivaji, No. 6/671, Gandhi Nagar
2nd Street, Ganesapuram Colony,
Vaikalpattarai,Salem.

44. S. Lakshmi
D/o Late M.Sivaji, No. 6/671, Gandhi Nagar
2nd Street, Ganesapuram Colony,
Vaikalpattarai,Salem.

45. M.Sornammal
M/o Late M.Sivaji, No. 6/671, Gandhi Nagar
2nd Street, Ganesapuram Colony,
Vaikalpattarai,Salem.
R20 - Died. R42 to R45 are brought on record
as LRS of deceased R20 vide court order
dated 20.11.2025 made in CMP.No.5595/2025
in WA.No.2929/23 (RSKJ and HCJ)

46. R.Sasikumar
S/o.Late R.L.Ramasami, No.145/335,
Salambayee Pattanam, Thathampatti,
Salem-14

47. R.Srinivasan



S/o.Late R.L.Ramasami, No.145/335,
Salambayee Pattanam, Thathampatti,
Salem-14

48. R.Ravi Ganesh

S/o.Late R.L.Ramasami, No.145/335,
Salambayee Pattanam, Thathampatti,
Salem-14

49. Palaniammal

W/o.Late R.L.Ramasami, No.145/335,
Salambayee Pattanam, Thathampatti,
Salem-14.

R22 - Died. R46 to R49 are brought on record
as LRS of deceased R22 vide court order
dated 20.11.2025 made in CMP.No.4521/2025
in WA.No.2929/2023 (RSKJ and HCJ)

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the order dated 9.4.2019 made in WP.No. 17701 of 2015 and allow this Writ
Appeal.

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Mr.M.Tamizavel, for R1 to R4, r6,
R8 to 19, 21, 23, 25 to 31, 34 to 36, 38 to 49,
Ms.N.Devi for R37,
Mr.S.C.Raja Sekaran for R32 & R33,
R5, R20 & R22 - Died, Steps Taken

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present intra court appeal has been instituted by the Commissioner
of Municipal Administration under Clause 15 of Letters Patent, challenging the
writ order dated 09.04.2019 in W.P.No.17701 of 2015.



2. The respondents were engaged as part-time overhead tank operators in the erstwhile Panchayat Unions subsequently incorporated within Salem Corporation. The respondents submitted application seeking regularisation based on G.O.Ms.No.74, Personnel and Administrative Reforms Department, dated 27.06.2013. The erstwhile Government Orders issued in G.O.Ms.Nos.21, 22 & 242 to regularise the daily wage employees had been withdrawn by the Government and a revised order was issued in G.O.Ms.No.74. Accordingly, illegal appointments cannot be regularised under G.O.Ms.No.74. That apart, the benefit of regularisation of the temporary employees were extended for full time employees and not part time employees. Overhead Tank Operator is a part time job in panchayat union.

3. Pertinently, no appointment orders had been issued to the respondents. The learned Government Counsel would submit that no appointment order has been issued to these Part time Overhead Tank Operators. Therefore, the claim for regularisation cannot be considered, since their initial appointment was not in accordance with the recruitment rules nor these respondents were appointed as full time employees. They were engaged as part time overhead tank operators and in this regard the Hon'ble Supreme Court in the case of **Secretary to Government, School Education Department, Chennai vs. R.Govindasamy and others** reported in **2014(4) SCC 769**¹ held that the part time employees are not entitled for the benefit of

¹ 2014(4) SCC 769



regularisation, even as per Government Order. The relevant paragraphs of the aforesaid judgment is extracted hereunder:

5. *The issue involved here remains restricted as to whether the services of the part-time sweepers could have been directed by the High Court to be regularized. The issue is no more res integra.*

6. *In State of Karnataka & Ors. v. Umadevi & Ors., AIR 2006 SC 1806, this Court held as under: “There is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis, to claim that they have a right to be absorbed in service. As has been held by this Court, they cannot be said to be holders of a post, since, a regular appointment could be made only by making appointments consistent with the requirements of Articles 14 and 16 of the Constitution. The right to be treated equally with the other employees employed on daily wages, cannot be extended to a claim for equal treatment with those who were regularly employed. That would be treating unequals as equals. It cannot also be relied on to claim a right to be absorbed in service even though they have never been selected in terms of the relevant recruitment rules.”*

7. *In Union of India & Ors. v. A.S. Pillai & Ors., (2010) 13 SCC 448, this Court dealt with the issue of regularisation of part-time employees and the court refused the relief on the ground that part timers are free to get themselves engaged elsewhere and they are not restrained from working elsewhere when they are not working for the authority/employer. Being the part-time employees, they are not subject to service rules or other regulations which govern and control the regularly appointed staff of the department.*



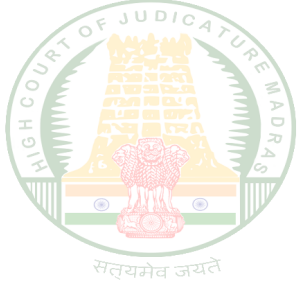
Therefore, the question of giving them equal pay for equal work or considering their case for regularisation would not arise.

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8. This Court in *State of Rajasthan & Ors. v. Daya Lal & Ors.*, AIR 2011 SC 1193, has considered the scope of regularisation of irregular or part-time appointments in all possible eventualities and laid down well-settled principles relating to regularisation and parity in pay relevant in the context of the issues involved therein. The same are as under:

“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 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



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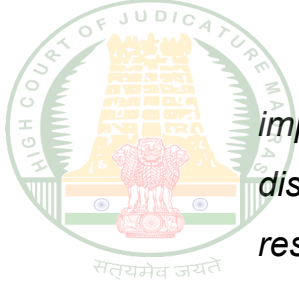
entitle such employee to claim regularisation, if he is not working against a sanctioned post. Sympathy and sentiment cannot be grounds for passing any order of regularisation in the absence of a legal right.

(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 added)

9. The present appeals are squarely covered by clauses (ii), (iv) and (v) of the aforesaid judgment. Therefore, the appeals are allowed. However, in light of the facts and circumstances of the case as Shri P.P. Rao, learned senior counsel has submitted that the appellant has already



implemented the impugned judgments and does not want to disturb the services of the respondents, the services of the respondents which stood regularised should not be affected.

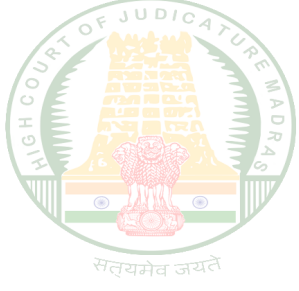
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4. In view of the ruling of the Hon'ble Apex Court, the benefit of regularisation to the respondents who were engaged as part-time overhead tank operators, even without appointment order, cannot be granted. Consequently, the writ order dated 09.04.2019 passed in the writ petition is set aside. Consequently, the Writ Appeal is allowed. No costs. The connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
20-07-2026

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

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**S.M.SUBRAMANIAM, J.
and
N.SENTHILKUMAR, J.**

vsi

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