



WEB COPY

WP No. 14862 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 14862 of 2025

AND

WMP Nos. 16768 & 33624 of 2025

M.Santhi
W/o Munirasu,
J.J. Nagar, Kalappampadi,
Pennagaram, Dharampuri.

..Petitioner

Vs

1. The Secretary To Government
Social Welfare and Women Empowerment Department,
Secretariat, Chennai 600 009.
2. The Commissioner
Commissioner of Social Welfare,
No.1 Panagal Maligai Building, II Floor
(Near Kalaignar Arch) Jeenis Road
Saidapet, Chennai - 600 015.
3. The District Collector
Office of The Collectorate,
Dharmapuri District - 600 015.
4. The Commissioner
Panchayat Union Office, Pennagaram
Pennagaram Block, Dharamapuri District - 636 810.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to regularize the services of the petitioner as Computer Assistant /Junior Clerk with Computer knowledge in the light of her continuous engagement from January 2013



without altering her service condition in any manner and with all consequential and attendant benefits and pass orders.

For Petitioner:

Mr.V.Vijayashankar

For Respondents:

Mr.P.Balathandayutham

Special Government Pleader for R1 to R3

ORDER

The writ petition has been filed seeking a mandamus to the respondent to regularise the services of the petitioner as Computer Assistant / Junior Clerk in the light of her continuous engagement from January 2013 without altering her service condition and to pay her the consequential attendant benefits.

2. The brief facts alleged in the affidavit are as follows :

- (a) The petitioner herein was appointed as Data Entry Operator in the office of the Panchayat Union Block, Pennagaram on temporary basis, vide proceedings of the 3rd respondent, the District Collector, Dharmapuri, dated 12.01.2013, under the Noon Meal Scheme, on a consolidated pay of Rs.9,000/- per month and term of service indicated in the appointment order was for one year.
- (b) On completion of one year, the 3rd respondent gave an artificial break for about 1 or 2 days to the petitioner and once again vide its order dated 22.01.2014, had re-engaged her into service in the very same place i.e., Pennagaram Panchayat Block.



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- (c) Thereafter, the petitioner's post was redesignated as Computer Assistant and her salary was increased to Rs.12,000/- per month. Vide G.O.(D) No.23 dated 01.02.2025, the nomenclature of Computer Assistant was redesignated as Junior Clerk with Computer Knowledge and the salary was revised to Rs.14,000/- vide order dated 04.02.2025.
- (d) While so, the 3rd respondent vide its proceedings dated 28.03.2025 had communicated that the 8 individuals including the petitioner herein who were working on temporary basis as Junior Clerk with Computer Knowledge in the Panchayat Union, need not be disengaged from service but that their salary shall not be paid from the General Fund of Panchayat Union. This proceedings also refers to the communication of the 2nd respondent dated 28.02.2025, relating to relieving the said 8 individuals from service and the reply of the 3rd respondent dated 18.03.2025, requiring the 2nd respondent to certify that the appointment of the said individuals, was not done in an illegal / irregular manner.
- (e) The petitioner who is now aged 43 years would submit that since she was appointed in the year 2013 by due selection process and had completed 13 service of service in Pennagaram Panchayat Union and had crossed the age limit of employment, she may not get employment elsewhere, in case of she being disengaged from service by the respondents . Therefore, the petitioner had submitted a representation



dated 02.03.2025, seeking to regularise her service. Since the same was not considered, the petitioner is before this Court.

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3. The learned counsel appearing for the petitioner would submit that since the petitioner had been working continuously in Pennagaram Panchyat Union for the past 13 years, the break deliberately given by the respondents for 1 or 2 days after completing one year service and again re-engaging the petitioner into service, cannot deprive the petitioner's claim for regular appointment since this break is aimed to cause an artificial break in the continuous service. He placed reliance on the judgment of the Hon'ble Supreme Court in *Narendra Kumar Tiwari and others Vs State of Jharkhand and others* reported in **(2018) 8 SCC 238**.

4. The 3rd respondent has filed a counter *inter alia* alleging that the petitioner was appointed purely on a contractual basis under the Noon Meal Scheme and not against any sanctioned post. Her services were terminated upon the completion of contract period. There is no record to show that the petitioner duties were of permanent nature. That apart, she herself had admitted that her appointment was on contract basis and had submitted an undertaking that she would not claim regular employment. Therefore, the present claim of the petitioner seeking regularization is untenable and sought for the dismissal of the writ petition.



5. Heard the rival submission and also perused the materials placed on record.

6. The Hon'ble Supreme Court in its judgment in *Narendra Kumar Tiwari and others Vs State of Jharkhand and others* reported in (2018) 8 SCC 238, has held that Regularisation Rules of 2015 should be given pragmatic interpretation, in case a person has completed 10 years of service on the date of promulgation of Rules, their services should be regularised. The relevant portion reads as below :

“10. Under the circumstances, we are of the view that the Regularisation Rules must be given a pragmatic interpretation and the appellants, if they have completed 10 years of service on the date of promulgation of the Regularisation Rules, ought to be given the benefit of the service rendered by them. If they have completed 10 years of service they should be regularised unless there is some valid objection to their regularisation like misconduct etc.,” —

7. Further the proceedings of the 3rd respondent dated 28.03.2025 would read as follows :

இந்நிலையில் கீழ்க்காணும் பணியாளர்கள் தேசிய மதிய உணவு, திட்டத்தின் கீழ் ஊராட்சி ஒன்றியங்களில் (சத்துணவுப்பிரிவு) Junior Clerk with Computer Knowledge பணியாளர்களாக பணிபுரிவதால் சம்மந்தப்பட்ட பணியாளர்களை பணியிலிருந்து விடுவிப்ப, செய்ய வேண்டாமெனவும் தனியார்களுக்கு நேரடியாக



ஊராட்சி ஒன்றிய பொதுநிதியிலிருந்து ஊதியம் வழங்க வேண்டாமெனவும்
தொரிவிக்கப்படுகிறது."

This clearly indicates that there is a need for the services of the petitioner and she has been working in the 4th respondent-Union since 2013.

8. Considering the plea of the petitioner and taking into account the decision of the Hon'ble Supreme Court cited supra as also the proceedings of the 3rd respondent dated 28.03.2025, a mandamus is issued to the respondents to consider the representation of the petitioner dated 02.03.2025, and pass orders within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. Till such time, it is made clear that the petitioner's service shall not be altered.

9. With the above directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18-03-2026

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



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