

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-07-2026

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.A.No.1061 of 2023 AND
C.M.P.No.10609 of 2023

1. The Government of Tamil Nadu
Rep. by its Secretary to Government,
Rural Development Department,
Fort St.George, Chennai -9.
2. The Director of Rural Development,
Panagal Buildings,
Saidapet, Chennai -15.
3. The Assistant Director of Rural Department
Pangal Buildings,
Saidapet, Chennai -15.

... Appellants

-VS-

- C. Pencillamma (Died)
1. P.Anusuya
 2. P.Hazqarathiah
 3. H.Nalabalapu Suneetha
 4. P.Madhav
 5. Suresh Babu

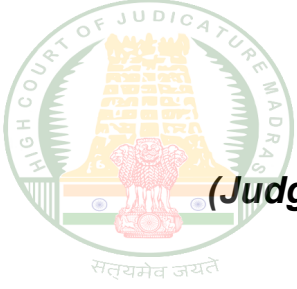
... Respondents

***(R2 to R5 substituted as legaheirs of deceased
respondent / Pencilamma)***

Prayer: To set aside the order dated 11.03.2021 made in W.P.No.20719
of 2012 and allow this Writ Appeal.

For Appellants: Mr.R.Sankar, Govt. Counsel

For Respondents: Mr.S.Gopinath
For Mr.A.Ramalingam



J U D G M E N T

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

State preferred the present Intra Court Appeal under Clause 15 of Letters Patent to assail the Writ Order dated 11.03.2021 made in W.P.No.20719 of 2012.

2. Respondents filed Writ Petition seeking regularization of services in the post of Scavengers by considering their representations dated 19.06.2012. They were appointed as part time Scavengers in the year 1983. They continue as such and Government issued G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010, granting special time scale of pay to these consolidated pay employees. Subsequently, they were converted as full time temporary employees and their claim for regularization of their services was not considered. Thus, Writ Petition came to be instituted.

3. Writ Court issued direction to respondents therein to send proposal to Government for consideration. However, direction was issued that Government may take a decision for grant of regularization. Regarding monetary benefits, Writ Court stated that Government may take appropriate decision.



WEB COPY

4. The main contention of the appellants / State is that respondents were appointed as part time Scavengers in the office of Director of Rural Development and Panchayat Raj. They were subsequently appointed as full time Scavengers on contingent pay. Government issued G.O.Ms.No.385 Finance (Pay Cell) Department dated 01.10.2010, fixing special time scale of pay to Scavengers in all Government Departments across State of Tamil Nadu. Special time scale of pay was subsequently revised by Government to these temporary employees. Regarding regularization of their services, Appellants / State would submit that Expenditure Reforms Commission made a recommendation and an order was passed in G.O.Ms.No.49 dated 14.05.2002. Government directed to outsource the work of all Group D categories like Sweeper, Scavenger, Cleaner and Gardener and to entrust the work on contract basis with condition to ensure that the existing NMR / Consolidated Wage / Daily Wage employee are to be given preference in employment by the Contractor to protect the interest of such persons in order to curtail avoidable expenditure in the administration.

5. However, in respect of certain employees, Government took a policy decision to regularize their services, but it is an administrative decision to be taken. As far as temporary part time



WEB COPY

employees are concerned, by accepting the terms and conditions of services, they are working in the Department. Their regularization is to be considered, if any sanctioned post is available by taking administrative / policy decision by Government.

6. Learned Government Counsel would submit that hundreds of such similarly placed employees are working across State of Tamil Nadu and in the event of issuing direction for regularization, it will result in opening Pandora Box. All such persons will claim the benefit of regularization and permanent absorption, which would result in financial burden to the State.

7. This Court is of the view that regularization and permanent absorption are to be made strictly in accordance with Rules. An employee, accepting terms and conditions of service cannot turn around and claim permanency in violation of Rules. No doubt, Government is empowered to frame Scheme or Policy for schematic absorption of these employees in phased manner, if posts are available for their absorption. However, High Court cannot direct Government for regularization of services of temporary employees in violation of Service Rules in force. Even Writ Court issued direction suggestively, which would do no service to the cause of justice.



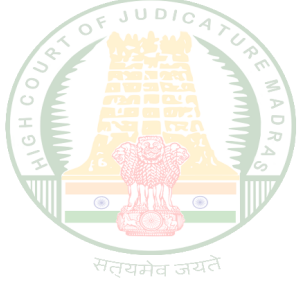
8. Consequently, the present Writ Appeal is allowed. Writ

Order impugned dated 11.03.2021 passed in W.P.No.20719 of 2012 is

set aside. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
06-07-2026

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



WEB COPY



S.M.SUBRAMANIAM,J.
AND
N.SENTHILKUMAR,J.
AR

W.A.No.1061 of 2023

06-07-2026