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WA No. 3137 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

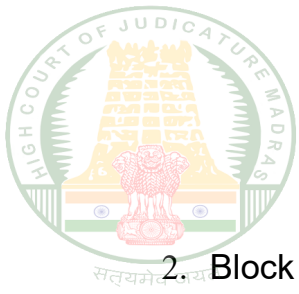
**WA No. 3137 of 2024 AND
CMP NO. 24089 OF 2024**

1. The Principal Secretary
Rural Development and Panchayat Raj
Department, Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Principal Secretary
Social Welfare and Nutritious Meal Programme
Department, Secretariat. Chennai-600 009.
3. The Principal Secretary
Welfare of Differently Abled Persons
Department, Secretariat, Chennai-600 009.
4. The Director
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai-600 015.
5. The District Collector
Kallakurichi District, Kallakurichi.

..Appellants

Vs

1. P Latha
D/o. E. Ponnusami, Sitheripattu,
Palayasriruvangur Post, Kallakurichi Dt.



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2. Block Development Officer
Kallakurichi District.

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..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 02.01.2024 made in WP No.35912 of 2023.

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

For Respondent(s): Ms.U.S.Yazhini, for Mr.
E.Vijay Anand for R1,
No Appearance for R2

Judgment

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

State preferred the present intra Court appeal under Clause XV of the Letters Patent against the order of the Writ Court dated 02.01.2024 passed in W.P.No.35912 of 2023.

2. The first respondent was appointed as Computer Assistant in the office of the Block Development Officer, Kallakurichi on the consolidated salary of Rs.7500/- per month vide proceedings dated 16.12.2009. Computer Assistants are engaged for entering data in the government records under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). It is a temporary appointment made on consolidated pay and also scheme based. There is no sanctioned post of Computer Assistant in

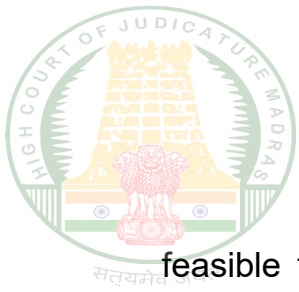


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the department. However, by relying on G.O.Ms.No.151, Social Welfare and Nutritious Meals Scheme Department dated 16.10.2008, the Writ Court granted the relief. Challenging the same, the present writ appeal is filed.

3. Learned Government Counsel appearing for the appellant State would submit that the said government order has no application with regard to the Department of Differently Abled. That apart, the post of Computer Assistant is not a sanctioned post. Thus, grant of time scale of pay is inadmissible. Applying an inapplicable government order issued in G.O.Ms.No.151 dated 16.10.2008, relief has been granted by the writ Court. If at all the Government had already granted time scale of pay to the consolidated pay employees in the absence of any sanctioned post and if any government order is passed, it is for the respondent to approach the competent authority.

4. As far as the regularisation of the services of Computer Assistants working under the MGNREGS Scheme is concerned, the Government initially issued G.O.Ms.No.37, Rural Development and Panchayat Raj Department dated 22.10.2017 for conduct of special examination by the Tamil Nadu Public Service Commission for absorbing these consolidated pay employees as Junior Assistants. However, the Government subsequently found that it is not



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feasible to absorb all those consolidated pay employees and cancelled the said Government Order by issuing another government order in G.O.Ms.No.92, Rural Development and Panchayat Raj Department dated 13.07.2023.

5. In the said government order, the Government has relied upon the judgment of the Constitution Bench of the Hon'ble Supreme Court in **State of Karnataka vs- Umadevi 2006 (4) SCC 1** and **State of Rajasthan -vs- Daya Lal 2011 (2) SCC 429**. The Government has made the following findings in paragraphs 5, 6, 7 and 8 of the said government order for cancellation of its earlier Government Order.

" 5. *In view of the various judgments of the Hon'ble Supreme Court of India on similar issues, the learned Advocate General in the reference third read above, has opined that it would not be permissible for the Tamil Nadu Public Service Commission to conduct a Special Qualifying Examination in order to regularize the services of the employees who are presently working as Computer Assistants on contract basis.*

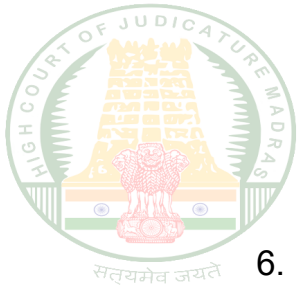


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6. Therefore, the Tamil Nadu Public Service Commission has not concurred to conduct the Special Qualifying Examination to absorb the 906 Computer Assistants working under Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) as Junior Assistants. In view of the issues involved, the orders issued for absorption was kept in abeyance, in the letter 7th cited above.

7. In view of the above, the Commissioner of Rural Development and Panchayat Raj has requested the Government to issue orders to withdraw the G.O. second read above.

8. The Government after careful examination, decided to accept the request of the Commissioner of Rural Development and Panchayat Raj and hereby cancels the orders issued in G.O.(Ms) No.37, Rural Development and Panchayat Raj (E5) Department dated 22.03.2017.”



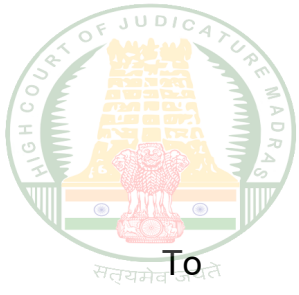
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6. Therefore, the benefit of regularisation granted by the writ Court is running counter to the policy decision of the Government in G.O.Ms.No.92, Rural Development Department dated 13.07.2023. Accordingly, the writ order impugned dated 02.01.2024 made in W.P.No.35912 of 2023 is set aside and the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
10-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST



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To

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Rural Development and Panchayat Raj Department, Government of
Tamil Nadu, Secretariat, Chennai-600 009.
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Social Welfare and Nutritious Meal Programme Department, Secretariat.
Chennai-600 009.
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**S.M.SUBRAMANIAM J.
AND
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