



WEB COPY

WP No. 32365 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

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

WP No. 32365 of 2024

AND

WMP Nos. 35146 to 35148 of 2024

AND

WMP.No.9457 of 2025

1. V.Sivasankaran
S/o. Vellaiyan
Night Watch Man,
Students Hostel,
Forest Middle School
Puliyur. Thiruvannamalai Forest Division
Tiruvannamalai District.
2. K. Kali,
D/o Kali
Head Cook
Students Hostel
Forest Middle School
Thiruvannamalai Forest Division.
Tiruvannamalai District.
3. R. Uma Eswari
W/o Ramalingam
Assistant Cook
Student Hostel,
Forest Middle School
Puliyur, Thiruvannamalai Forest Division
Tiruvannamalai District.

..Petitioners

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary
Environment and Forest Department
Fort St. George, Chennai 600 009.



2. The Principal Chief
Conservator of Forests
Office of Principal Chief Conservator of Forests
(Head of Forest Force),
Forest Headquarters Building,
Guindy-Velachery Main Road,
Near Kannikapuram Check Post,
Guindy, Chennai 600 032.

3. The District Forest Officer
Tiruvannamalai Forest Division,
Tiruvannamalai District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to call for the records relating to the orders in directing 1st respondent vide Letter No.8235/Forest 3(i)/2022 -8, Dated 14.08.2024 and consequential proceedings of the 2nd respondent in Na.Ka.No.AS2/47233/2017 dated 27.08.2024 quash the same and consequential direction to the respondents to regularize the services of the petitioners with effect from dated of their appointment with all consequential service and monetary benefits and pass orders.

For Petitioners: M/s.T.Dharani

For Respondents: Mr.C.Selvaraj
Additional Government Pleader for R1 to R3

ORDER

The writ petition is filed for the following relief :

“ To direct the 1st respondent vide Letter No.8235/Forest 3(i)/2022 -8, Dated 14.08.2024 and consequential proceedings of



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the 2nd respondent in Na.Ka.No.AS2/47233/2017 dated 27.08.2024 quash the same and consequential direction to the respondents to regularize the services of the petitioners with effect from dated of their appointment with all consequential service and monetary benefits”

2. The petitioners before this Court are working as Night Watchman, Cook and Assistant Cook in the Government Tribal Welfare Hostel attached to the Puliur Middle School, Puliur Village, Jawadhu Hills, Tiruvannamalai District. The 3rd respondent had accorded sanction on 20.07.2007 to run the hostel and accordingly, the Puliur Middle School Hostel was functioning from 01.08.2007, under the control of the respondents. The sanction was accorded to have staff viz., one warden, one watchman, one cook and one additional cook for the functioning of the hostel and accordingly the petitioners were appointed on 17.08.2007 and 13.09.2007 in the said posts respectively.

3. The 3rd respondent vide his proceedings dated 09.09.2019 sent a proposal to the Additional Chief Conservator of Forests, Vellore, to regularise the services of the petitioners, who in turn had forwarded the proposal to the second respondent for the said purpose. There was a lull for a period of two years. Thereafter, the 3rd respondent vide his proceedings dated 27.10.2021 had again approached the Additional Chief Conservator of Forests, Vellore,



highlighting the fact that 330 cooks working on daily wage basis in Adi Dravida Welfare Schools Hostels had been brought to the regular time scale of pay, on completion of their 10 years of their service and hence, the petitioners who are similarly placed, having completed 10 years of service, shall be considered for regularisation. That apart, the 3rd respondent also provided additional information to the 2nd respondent vide his proceedings dated 02.06.2022. The second respondent in turn had forwarded the proposal to the first respondent to regularise the service of the petitioners by relying on G.O.Ms.No.25 Adi Dravida and Tribal Welfare Department dated 25.02.2011 and also by citing that the petitioner's services were covered under the Class IV Category of Tamil Nadu Basic Service Rules.

4. Vide letter of the 1st respondent dated 14.08.2024 and the consequential proceedings of the 2nd respondent dated 27.8.2024, the claim of the petitioners were turned down. Challenging the same, the petitioners are before this Court.

5. The respondents have filed the counter along with a vacate stay petition in WMP.No.9457 of 2025, justifying the rejection by relying upon the provisions of G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013, and contending that as per the aforesaid G.O., full time daily wage workers who had completed 10 years of service as on 01.01.2006 alone were taken into consideration, and the petitioners would not



fall within the said criteria as their appointment was on 17.08.2007 and 13.09.2007, i.e., after 01.01.2006. Therefore, they sought for the dismissal of the writ petition, besides raising other defences.

6. Heard the rival submissions and also perused the materials placed before the Court.

7. The ground on which the request to regularise the services of the petitioner has been turned down, is set out as follows in the impugned order :

“2. பார்வை இரண்டில் கானலும் அரசாணையில் 01.01.2006 வரை 10 ஆண்டுகள் தினக்கூலியாக பணிபுரிந்தவர்களை பணி நிரந்தரம் செய்யலாம் என்பதற்கான வழிவகைகள் தெரிவிக்கப்பட்டுள்ளதுடன், 2006-ஆம் ஆண்டிற்கு பின், பத்தாண்டு பணி செய்து முடித்திருந்தாலும், (10 years service) பணி நிரந்தரம் செய்ய ஆணை வழங்க இயலாது எனக் குறிப்பிடப்பட்டுள்ளது.

3. மேலே பத்தி 1-ல் குறிப்பிடப்பட்ட மூன்று தினக்கூலி அடிப்படையில் பணிபுரிந்து வரும் மூன்று பணியாளர்களும், பார்வை இரண்டில் கானலும் அரசாணையில் தெரிவிக்கப்பட்டுள்ள நிபந்தனைகளை பூர்த்தி செய்யாததாலும், மேற்காண் மூன்று பணியாளர்களை நிரந்தரம் செய்யும் பொருட்டு, உதாரணமாக சுட்டிக்காட்டப்பட்ட பார்வை ஒன்றில் கானலும் அரசாணை, மேலே பத்தி 2-ல் தெரிவிக்கப்பட்ட அரசாணை வெளியிடப்படுவதற்கு இரண்டு ஆண்டுகளுக்கு முன்பே வெளியிடப்பட்டுள்ளதால், தற்போது, வனத்துறையில் தினக்கூலி அடிப்படையில் பணிபுரிந்து வரும் 1) திரு.விசிவசங்கரன், இரவுக்காவலர் 2) திருமதி.கே.காளி, தலைமை சமையலர், 3) திருமதி.ஆர்.உமாஈஸ்வரி, சமையலர்



ஆகிய மூன்று பணியாளர்களையும் மேற்படி பணியில, பணி நிரந்தரம் செய்ய
வழிவகை இல்லை என்பதால் தங்கள் கருத்தூரினை ஏற்க இயலாது என்பதைத்
தங்களுக்கு தெரிவித்துக் கொள்ளப் பணிக்கப்பட்டுள்ளேன்.”

Therefore, it is very clear that the rejection is based on G.O.(Ms) No.74 Personnel and Administrative Reforms (F) Department dated 27.06.2013. A perusal of G.O.(Ms) No.74 would indicate that pursuant to G.O.Ms.No.22 Personal and Administrative Reforms (F) Department, dated 28.02.2006, orders had been issued directing the Departments of Secretariat to pursue action to regularise the services of daily wage employees working in all Government Departments who had rendered 10 years of service as on 01.01.2006 by appointing them into time scale of pay of the post. The G.O., clearly applies to persons who are daily wage earners.

8. In the considered view of this Court, the petitioners had been appointed in the sanctioned posts and have been put in over 10 years of service. Therefore, they are entitled to regularisation on their completing 10 years of service. The petitioners do not fall within G.O.Ms.No.74 which relates to persons who have not been appointed to sanctioned posts and have to be regularised against regular sanctioned vacancies. Therefore, the impugned order of the first respondent dated 14.08.2024 and the consequential proceedings of the second respondent dated 27.08.2024, which has been passed



without understanding the language of the G.O.Ms.No.74, in its letter and spirit,
cannot be sustained.

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9. The writ petition is accordingly allowed and the aforementioned impugned order and consequential proceedings are hereby quashed. The respondents are directed to regularise the services of the petitioners in accordance with law, with all attendant and consequential service benefits including the monetary benefits. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

26-03-2026

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

To:

1. The Secretary
Government of Tamil Nadu
Environment and Forest Department
Fort St. George, Chennai 600 009.
2. The Principal Chief Conservator of Forests
Office of Principal Chief Conservator of Forests (Head of Forest Force),
Forest Headquarters Building,
Guindy-Velachery Main Road,
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