



WEB COPY



WA No. 1719 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1719 of 2026 AND

CMP NO. 15652 OF 2026

1. The State Of Tamilnadu
Rep by its Principal Secretary to
Government Rural Development and
Panchayat Raj Department, Fort St.
Goerge Chennai 600 009.
2. The Commissioner
Rural Development and
Panchayat Raj, Panagal Building,
Saidapet, Chennai-600015
3. The District Collector
Krishnagiri District, Tamilnadu

..Appellants

Vs

1. Govindaraj G K
S/o.Krishnan (Late),
Gollapalli Gollakottai Village,
Emakkalnatham Post, Bargur-635104
Krishnagiri District.
2. The Commissioner
Panchayat Union, Bargur, Krishnagiri District

..Respondents

Prayer : Writ Appeal under clause XV of the Letters Patent to set aside the Order dt. 30.01.2024 made in W.P. No. 14171 of 2023.



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For Appellants :
For Respondent :

Dr.R.Gouri, Government Counsel
Ms.Sudharshana Sunder for R1

Judgment

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

Under assail is the writ order dated 30.01.2024 made in W.P.No.14171 of 2023.

2. The State preferred the present writ appeal. The first respondent instituted a writ petition challenging the show cause notice dated 10.03.2022 issued by the District Collector, Krishnagiri District and for a consequential direction to regularize the first respondent in the post of Typist with effect from 04.03.2007 with all consequential benefits including promotion.

3. Heard Dr.R.Gouri, learned Government Counsel as well as Ms.Sudharshana Sunder for the first respondent. With the consent of the parties, the matter is taken up for final hearing and following orders are passed.

4. The facts in brief are that the first respondent was appointed in Bargur Panchayat Union as Typist on daily wage basis on 05.03.1997. Pursuant to the government order issued in G.O.Ms.No.22, Personnel and

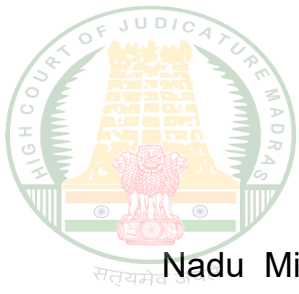


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Administrative Reforms (F) Department dated 28.02.2006, he submitted a representation seeking regularisation of his services in the sanctioned post in the time scale of pay. The application was not considered, against which the first respondent filed W.P.No.23410 of 2010. The said writ petition came to be allowed by the learned Single Judge of this Court on 16.11.2010 directing the authorities to pass orders on the proposal already submitted by the Commissioner, Bargur Panchayat Union as early as 27.11.2008 and pass orders granting regularisation of the petitioner's services on completion of ten years of service with time scale of pay within a period of four weeks from the date of receipt of a copy of the order.

5. Pertinently, the proposal was considered to appoint the first respondent as Record Clerk and necessary rule relaxations were granted to consider the case of the first respondent for regular appointment. Consequently, the government issued G.O.(2D) No.92, Rural Development and Panchayat Raj Department dated 20.09.2012 by relaxing Rule 3 and 8 of the Tamil Nadu Panchayat Union Services Act, 1970.

6. Not satisfied with the appointment made to the post of Record Clerk, once again the first respondent submitted a representation and the Government also considered the same and relaxed Rules 6 and 26 of Tamil



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Nadu Ministerial Service Rules and obtained concurrence from the Tamil Nadu Public Service Commission (TNPSC), and thereafter the first respondent was appointed to the post of Typist vide G.O.(2D) No.1 dated 02.01.2013.

7. Accepting the order of appointment in the post of Record Clerk in the year 2012 and thereafter accepting the appointment order issued by the Government to the post of Typist on 02.01.2013, the first respondent served as such and was subsequently promoted to the post of Assistant. After a lapse of ten years, again he submitted a representation to grant retrospective regularisation, promotion and seniority as per the orders of the writ court dated 16.11.2010.

8. Learned Government Counsel appearing on behalf of the State would submit that the Writ Court initially directed to consider the proposal to regularise the first respondent on completion of ten years of service. The proposal was considered and the Government, by granting necessary rule relaxations, appointed the first respondent to the post of Record Clerk vide G.O.(2D) No.92 dated 20.09.2012. Again a proposal was submitted to appoint him to the post of Typist and the said proposal was also considered by the Government and Rules 6 and 26 of the Tamil Nadu Ministerial Services



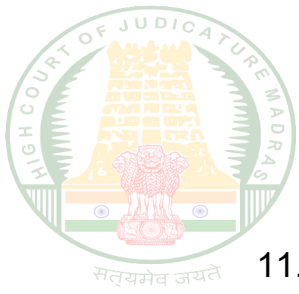
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were relaxed and after obtaining the concurrence from TNPSC, the respondent was appointed to the post of Typist on 02.01.2013. Subsequently, he was promoted to the post of Assistant. Accepting the appointments, regularisation and promotion to the post of Assistant and after a lapse of ten years, the first respondent has submitted another representation seeking retrospective regularisation, promotion and seniority, which is untenable. Since the representation was belated, a show cause notice was issued by the District Collector on 10.03.2022, which came to be challenged in the present writ petition and the said show cause notice, *per se* would not provide a cause for seeking regularisation, promotion and seniority.

9. Learned counsel for the first respondent would oppose by stating that all that the first respondent seeks is implementation of the order of the writ court passed in 2010 which was confirmed by the Division Bench. The first respondent is entitled for regularisation on completion of ten years of service as per G.O.Ms.No.22 dated 28.02.2006. Since it was not given, he had submitted a representation. In turn, a show cause notice was issued and thus the said notice came to be challenged.

10. This Court considered the rival submissions made between the parties to the lis.



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11. Admittedly, the first respondent was engaged as a daily wage employee by the Bargur Panchayat Union. He was not initially appointed in accordance with the recruitment rules in force. Accepting the terms of daily wage appointment, he served continuously for more than ten years. Relying on G.O.Ms.No.22 dated 28.02.2006, he submitted a representation. Even as per G.O.Ms.No.22, an employee on completion of ten years temporary service as on 01.01.2006 is to be considered as one time measure for regularisation in view of the judgment of Constitution Bench of the Hon'ble Supreme Court of India in the case of **State of Karnata vs. Umadevi (2006) 4 SCC 1**. The said government order in G.O.Ms.No.22 dated 28.02.2006 was cancelled by the Government subsequently and a revised government order was issued stating that all appointments are to be made in accordance with the recruitment rules and by following the procedures. Irregular and illegal appointments cannot be regularised. That being the order of the Government, any subsequent regularisation made beyond the scope of the constitution bench judgment is violative of the rules applicable to the post as well as the legal principles settled by the constitution bench.

12. In the present case, in pursuance of the order passed by the writ court dated 16.11.2010, the proposal submitted by the Commissioner, Bargur Panchayat Union was considered at the Government level and the



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Government relaxed Rules 3 and 8 of the Tamil Nadu Panchayat Union

Services and appointed the first respondent as Record Clerk on 20.09.2012.

Again a representation was submitted and the Government further considered

the claim of the first respondent and relaxed Rules 6 and 26 of the Tamil Nadu

Ministerial Services Rules and after obtaining the concurrence from the

TNPSC, appointed the first respondent as Typist as per the order of the High

Court dated 16.11.2010.

13. Order of the high Court dated 16.11.2010 was implemented by the Government and by relaxing the necessary rules and obtaining the concurrence from the TNPSC the first respondent was appointed as Typist on 02.01.2013,. After a lapse of ten years from the date of appointment and after getting one promotion, he submitted a representation. This exactly is the reason why the District Collector issued a show cause notice mainly stating, on what ground such belated appeal application made by the first respondent is to be considered. The writ order came to be implemented in the year 2013 and the said order remains unchallenged. The show cause notice dated 10.03.2022 which is under challenge in the writ petition would show that the District Collector asked the first respondent to give a written explanation for the delay in appeal application made by him pursuant to the order passed in W.P.No.23410 of 2010 dated 16.11.2010. Therefore, the first respondent



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ought to have submitted his explanation in response to the show cause notice.

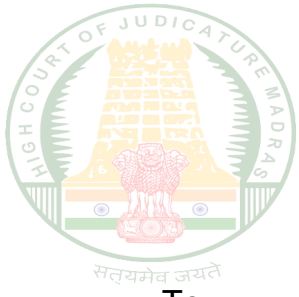
Instead, he challenged the show cause notice, which is not entertainable. No writ against show cause notice is entertainable, except on the ground that the said show cause notice is issued by incompetent authority or tainted with allegations of malafides.

14. In the present case, the writ Court has gone beyond the scope of the show cause notice and directed the authorities to regularise the services of the first respondent in the post of Typist with effect from 04.03.2007. Thus, the order passed by the writ court dated 30.01.2024 in W.P.No.14171 of 2023 is not in consonance with the legal principles and therefore the same is set aside. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
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Index: Yes
Speaking order
Neutral Citation: Yes

KST



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To
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The Commissioner
Panchayat Union, Bargur,
Krishnagiri District



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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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