



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8248 of 2014

D.Hariram

...Petitioner

Vs.

1. The Secretary to Government  
M.A. & W.S. Department,  
State of Tamil Nadu,  
Fort St., George, Chennai

2. The Commissioner  
Corporation of Coimbatore  
Coimbatore.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to 2<sup>nd</sup> respondent's proceedings Na.Ka.No.6825/2001/MC3 dated 25.07.2006 and quash the same in so far as regularisation of the service of the petitioner is concerned from 23.02.2006 and consequently direct the respondents herein to regularize the service of the petitioner in Times scale of pay after completion of 10 years service from the date of his initial appointment notionally pursuant to and in accordance with G.O.Ms.No.1644 RDLA Department dated 12.10.1979, as well as G.O.Ms.No. 258 MA & WS Department dated 15.03.1988 with all attendant benefits.

For Petitioner : Mr.M.Muthappan

For R1 : Mrs.S.Anitha  
Special Government Pleader

For R2 : Mr.K.Magesh  
Government Advocate

ORDER

The order of regularisation issued in proceedings dated 25.07.2006 granting benefit of records of the petitioner effect from 2011 of the order is ought to be quashed in the present writ petition.



2.The writ petitioner was appointed as daily wage employee in the year 1979. Considering the long service of the writ petitioner the benefit of the regularisation was granted by the resolution of the relevant rules from the date of passing of order by the respondents.

3.The grievance of the writ petitioner is that the regularisation must be granted retrospectively with effect from date of which the petitioner completed 10 years of service. The fact remains that the order of regularisation was passed pursuant to the Government order issued in G.O.Ms.No.21 by the Municipal Administration and Water Supply Department dated 23.02.2006. Consequential order was passed by the Commissioner, Corporation of Coimbatore dated 25.07.2006 and the writ petition was filed on 18<sup>th</sup> March 2014, after a lapse of about 8 years from the date of impugned order.

4.That apart, the writ petitioner attained the age of superannuation and retired from service on 31.07.2013. This being the factum, the petitioner accepted the order of regularisation during the relevant point of time and has chosen to file the present writ petition after reaching the age of superannuation, which cannot be encouraged. Thus, the writ petition is to be rejected on the ground of laches. Even on merits, regularisation granted to the writ petitioner, it was a concession. Such concession cannot be extended so as to extend the benefit by granting retrospective regularisation.

5.Constitution Bench of Hon'ble Supreme Court of India in the case of State of Karnataka Vs Umadevi settled the principles in the matter of grant of regularisation and permanent absorption the persons appointed not in accordance with the service rules enforced or entitled for regularisation. The petitioner case was considered one time benefit granted cannot be further granted retrospective regularisation. Thus, the petitioner is not entitled for the relief. However, any other grievance exists for the petitioner it is left open to him to approach the competent authority for redressal.

6.Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-  
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Jeni/Ab



To

1. The Secretary,  
Tamil Nadu General and Distribution  
Corporation Limited,  
144 Anna Salai,  
Chennai - 600 002.

2. The Chief Engineer (Personnel)  
Tamil Nadu General and Distribution  
Corporation Limited,  
144 Anna Salai,  
Chennai - 600 002.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.34363

+1cc to Mr.K.Magesh, Advocate, S.R.No.33791

W.P.No.8248 of 2014

JPL(CO)  
RGA(22/06/2022)