



W.P. No.5590 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.12.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR**  
and  
**THE HONOURABLE MR. JUSTICE P.DHANABAL**

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N.Sivasubramaniyan

.. Petitioner

*Versus*

1. The Central Administrative Tribunal,  
Chennai.
2. The Union Territory of India,  
Rep. by the Secretary to Government (Works),  
Public Works Department, Puducherry.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for records and quash the order dated 21.02.2019 passed by the Central Administrative Tribunal, Chennai Bench in OA/310/01107/2015 which has been filed by the petitioner challenging the order dated 30.04.2015 passed by the 2nd respondent in his proceedings No.349/PW-1/A-2/2013 and consequently



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direct the 2nd respondent to regularise the service of the petitioner from the date of his initial appointment i.e.13.07.2005.

For petitioner : Mr.D.Baskar

For respondents

for R1 : Tribunal

for R2 : Mr.R.Syed Mustafa, Spl.G.P.

### **ORDER**

(The Order of the Court was made by D.KRISHNAKUMAR, J)

This Writ Petition has been filed to quash the order dated 21.02.2019 passed by the Central Administrative Tribunal, Chennai Bench in OA/310/01107/2015 and consequently direct the second respondent to regularise the service of the petitioner from the date of his initial appointment i.e.13.07.2005.

2. It is the case of the petitioner that his father was working as Lascar in the Irrigation Division of the Public Works Department, Puducherry and



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he died on 25.02.1977, while he was in service. Subsequently, the petitioner was appointed as a Casual Labourer on compassionate grounds on 13.07.2005. Even after serving 9 years in the Department, his services were not regularised and hence, he filed OA.No.1941 of 2014. The Tribunal by order dated 23.01.2014 directed the respondents to consider his representation in accordance with law. Pursuant to the order, the Department regularised the petitioner's service as per the seniority. Aggrieved by the same, the petitioner filed the present OA seeking to regularise his service from the date of appointment. The Tribunal dismissed the said OA. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner was appointed as a casual labourer on 13.07.2005 on compassionate grounds instead of appointing him on a regular basis. Further, he was not regularised from his date of appointment. Challenging the same, he filed OA before the Tribunal. The Tribunal without appreciating the facts of the case, dismissed the said OA.



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4. In reply, the learned Special Government Pleader appearing for the second respondent states that the petitioner's services were regularised on 12.02.2016 as per seniority based on the scheme framed by the Puducherry Government vide G.O.Ms.No.22, Department of Personnel and Administrative Reforms, dated 27.02.2009. Since the scheme itself was framed by the Puducherry Government on 27.02.2009, the petitioner's service cannot be regularised from the date of his initial appointment, viz., 13.07.2005. Therefore, he seeks to dismiss this Writ Petition.

5. Heard both sides and perused the materials available on record.

6. It is seen that the Government of India, vide *G.O.Ms.No.22, Department of Personnel and Administrative Reforms dated 27.02.2009* framed a Scheme, for regularisation of casual labourers. The relevant portion of the said scheme reads as follows:

**"Puducherry Casual Labourers (Engagement and Regularisation) Scheme, 2009**

(On the one hand having regard to the fact that casual labourers belong to weaker sections of the society, many of them belong to SC and OBC and



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disengagement of their services will cause undue hardship to them, while on the other hand, employment opportunities are to be provided to eligible youth entering the job market, it is, therefore, considered desirable to frame a scheme as a one time measure)

*This scheme shall be called "The Government of Puducherry Casual Labourers (Engagement and Regularisation) Scheme, 2009" and shall come into effect from the date of its publication in the official gazette.*

*2. On and from the date of coming into force and operation of the scheme all the provisions of the government orders on the subject issued in the past shall stand superceded.*

*3. The scheme is applicable to all casual labourers, except those charged to specific works or schemes, working in departments of the Government of Puducherry and their attached subordinate offices, subject ot their eligibility as per the provisions of this scheme.*

.....

....."

7. The petitioner joined the Department as a casual labourer on 13.07.2005 and his services has been regularised based on the said scheme, which came into effect only in 2009. Since the said scheme came into



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existence only in 2009, the Department has rightly regularised the petitioner's services as on 12.02.2016 as per seniority, which needs no interference of this Court. Therefore, this Writ Petition is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs.

**[D.K.K., J] [P.D.B., J]**  
06.12.2023

Speaking order: Yes/No  
Index : Yes/No  
pvs



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