



WEB COPY



W.P.Nos.22233 & 22238 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 28.07.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

**W.P.Nos.22233 & 22238 of 2023**

P.Senthilarasu

... Petitioner in W.P.No.  
22233 of 2023

R.Maheswari

... Petitioner in W.P.No.  
22238 of 2023

**Vs**

1. The State of Tamil Nadu  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St. George, Chennai – 600 009.
  2. The Director of Medical Education,  
Kilpauk, Chennai – 600 010.
  3. The Dean,  
Coimbatore medical College,  
Coimbatore, Coimbatore District.
- ... Respondents in both WPs

Prayer :- Writ Petitions filed under the Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus call for the records relating to the impugned proceedings bearing Ref. No.90512/E5/2/2014-28 and Ref. No.90512/E5/2/2014-34 respectively dated 25.07.2022 issued by the



W.P.Nos.22233 & 22238 of 2023

second respondent and quash the same and consequently direct the respondents to regularize the service of the petitioner from the date of his initial appointment dated 06.07.2002 and 12.07.2022 respectively and direct the respondents to grant all the subsequent benefits to the petitioners.

For Petitioners : Mr.K.Samidurai in both WPs

For Respondents : Mr.P.Baladhandayuthan  
Special Government Pleader in both WPs

### **COMMON ORDER**

These Writ Petitions have been filed to quash the impugned proceedings dated 25.07.2022 issued by the second respondent and consequently direct the respondents to regularize the service of the petitioners from the date of their initial appointment on 06.07.2002 and 12.07.2022 respectively and direct the respondents to grant all the subsequent benefits to the petitioners.

2. The contention of the writ petitioners is that they should be regularized from the date of their appointment. The petitioners were originally appointed on contract basis and as per the appointment Order



W.P.Nos.22233 & 22238 of 2023

dated 05.07.2022, they have been sponsored by the employment exchange.

WEB COPY

The terms and conditions of the appointment Order also makes it clear that they are not eligible for any kind of leave as applicable to regular Government servant exceptional circumstances anybody is permitted to avail other leave that will be treated as loss of pay. Thereafter, the service of the petitioners has been regularized by an order dated 09.10.2006. Now the grievance of the petitioners is that the date of their appointment on contract basis has to be taken into account and they have to be regularized from the date of their initial appointment as contract labourer.

3. It is well settled that the petitioners were originally appointed on contract basis temporarily. The Apex Court in **State of Tamilnadu Vs.A.Singamuthu** reported in [2017] 4 Supreme Court Cases 113 has held that part-time or casual employment is meant to serve the exigencies of administration. It is further held that it is a settled principle of law that continuance in service for long period on part-time or temporary basis confers no right to seek regularisation in service and this may not be always a correct approach to adopt especially when the scheme of regularisation is missing from the rule book and regularisation casts huge



W.P.Nos.22233 & 22238 of 2023

WEB COPY

financial implications on public exchequer. Therefore, as a matter of right the petitioners cannot seek regularization from the date of their temporary appointment on contract basis.

4. Accordingly, these Writ Petition are dismissed. Consequently connected miscellaneous petitions are closed. No costs.

**28.07.2023**

Index: Yes/No

Neutral Citation : Yes/No

vrc

To,

1. The State of Tamil Nadu  
Rep. by its Principal Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Fort St. George, Chennai – 600 009.
2. The Director of Medical Education,  
Kilpauk, Chennai – 600 010.
3. The Dean,  
Coimbatore medical College,  
Coimbatore, Coimbatore District.



WEB COPY



W.P.Nos.22233 & 22238 of 2023

**N.SATHISH KUMAR, J.**

VTC

**WP.Nos.22233 & 22238 of 2023**

**28.07.2023**