



W.P.No.14171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14171 of 2023

G.K.Govindaraj

...Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to
Government,
Rural Development and Panchayat
Raj Department,
Fort St. Gorege,
Chennai – 600 009.

2. The Commissioner,
Rural Development & Panchayatraj,
Panagal Building,
Saidapet, Chennai – 600 015.

3. The District Collector,
Krishnagiri District,
Tamil Nadu,

4. The Commissioner,
Panchayat Union, Bargur,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the



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records pertaining to the order passed by the third respondent dated 10.03.2022 in Roc.No.26550/2021/K2 and quash the same and to further direct the first respondent to initiate necessary proceedings to regularize the post of the petitioner as typist w.e.f., 04.03.2007 and consequently all the attended benefits including promotion.

For Petitioner : Ms.Sudharshana Sunder
For Respondents : Mr.S.Rajesh
For R1 to R3 : Government Advocate
For R4 : Mr.P.Sanjai Gandhi
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 10.03.2022, thereby called upon the petitioner to submit explanation for the belated claim of regularization of his service in the post of Typist with effect from 04.03.2007.

2. The petitioner is qualified with B.Com. degree and typewriting both in English and Tamil. He was appointed as typist by the fourth respondent on daily wages basis on 05.03.1997. As per G.O.Ms.No.22 Personal and Administrative Reforms (F) Department, dated 28.02.2006, it was ordered for the regularization of the persons, who were working on daily wage basis on their completion of ten years of



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service. Accordingly, the petitioner made representation before the respondents 3 & 4 for regularization of his service as per the terms of the government order. There was no action as such, the petitioner was constrained to file a writ petition in W.P.No.23410 of 2010 and this Court by an order dated 16.11.2010, allowed the writ petition thereby directing the third respondent to pass order on the proposal already submitted by the fourth respondent as early as on 27.11.2008 and pass orders granting regularization of the petitioner's service on his completion of ten years of service with time scale of pay and all other benefits. However, without complying the said order, once again the third respondent issued the impugned notice, thereby called upon the petitioner to explain for the belated claim for regularization from the date of completion of ten years of his service.

3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. On perusal of the counter filed by the third respondent and also the submission made by the learned Government Advocate



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appearing for the respondents revealed that the government in G.O.Ms.No.22 Personal and Administrative Reforms (F) Department dated 28.02.2006, ordered to regularize the daily wages employee as on 01.01.2006 and not from the date of completion of ten years of service. The petitioner was appointed as Typist under the daily wage scheme. However, the petitioner was not selected by the Tamil Nadu Public Service Commission. The post of Typist comes under Group-IV of the Tamil Nadu Public Service Commission. Therefore, the petitioner cannot claim any benefit for regularization of his service.

5. The learned Government Advocate appearing for the respondents further submitted that as per law and existing rules, the service of the petitioner was regularized with effect from 04.01.2013. The government order in G.O.Ms.No.33 dated 28.02.2006, has ordered to regularize the service of daily wages employees, who were completed ten years of service as on 01.01.2006. The petitioner completed his ten years service only on 04.03.2007.

6. On perusal of order passed by this Court in W.P.23410 of 2010 dated 16.11.2010, the respondents had taken the similar stand in



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that petition also. However, this Court directed the third respondent to pass orders on the proposal submitted by the fourth respondent and pass orders granting regularization of the petitioner's service on completion of ten years of his service with time scale of pay.

7. Further it is also seen that as per G.O.Ms.No.22, dated 28.02.2006, it was ordered to regularize the persons who working on daily wage basis on completion of ten years service. Therefore, the petitioner sought to regularize his service after completion of ten years of his service. However, the petitioner was regularized only from 04.01.2013. Whereas, the petitioner has completed his ten years of his service as on 04.03.2007. Therefore, the respondents without complying the order passed by this Court in W.P.No.23410 of 2010 dated 16.11.2010, called for the petitioner to submit explanation for belated claim by the impugned order.

8. In view of the above discussions, the impugned order passed by the third respondent in Roc.No.26550/2021/K2 dated 10.03.2022, is hereby quashed. The first respondent is directed to regularize the service of the petitioner in the post of Typist with effect from 04.03.2007. It is



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made clear that the petitioner is entitled for all the attended benefits including promotion etc.

9. With the above directions, the Writ Petition stands allowed.

There shall be no order as to costs.

30.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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WEB COPY

- To
1. The Principal Secretary to Government,
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G.K.ILANTHIRAIYAN. J.

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