



W.P.No.1250 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1250 of 2025

1. K.Sounder

2. M.Seetharaman

...Petitioners

Vs

1. The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

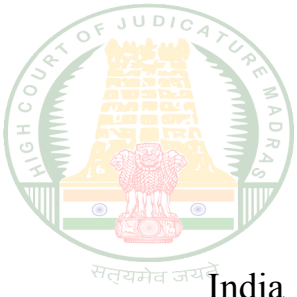
2. The Commissioner of Revenue,
Administration / Principal Secretary,
Ezhilagam Building,
Chepauk,
Chennai - 600 005.

3. The Chief Electoral Officer/Principal Secretary to Government,
Public (Election-V) Department,
Secretariat,
Chennai - 600 009.

4. The District Collector,
Chengalpet District,
Chengalpet.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Mandamus, directing the 4th respondents to regularize the services of the petitioners as Junior Assistants w.e.f. 06.06.2005 and 01.06.2005 respectively from the date of their respective appointments with all consequential monetary and other service.

For Petitioners : Mr.M.Gnanasekar

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

The writ petition has been filed for directing the 4th respondent to regularize the services of the petitioners as Junior Assistants with effect from 06.06.2005 and 01.06.2005 respectively, which is the date of their respective appointments, with all consequential monetary and other service.

2. The case of the petitioners is that they were working as a Junior Assistants on temporary basis under the respondents, for more than 19 years. According to the petitioners, they are qualified and they have registered their names in the employment exchange. As there was a ban, there was no recruitment during the year 2001-2005 through Tamil Nadu

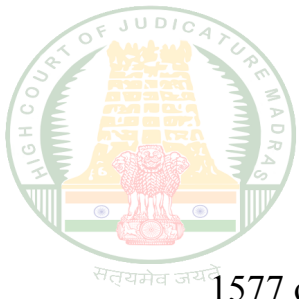


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Public Service Commission. The petitioners' services have been utilized in the process of revision of Electoral rolls in all constitutional assemblies and the Government has sanctioned 206 Junior Assistant posts for the electoral work. The petitioners have stated that they have been temporarily appointed on 06.06.2005 and 01.06.2005 respectively on consolidated pay and their service was periodically extended till date by way of several Government Orders.

3. It has been pointed out by the petitioners that certain other similarly placed persons have filed the writ petition in W.P. No. 27684 of 2012 seeking a direction to regularize their services from the year 2005 with all monetary benefits in pursuance of the regularization scheme framed in G.O.Ms.No.332, Revenue (EE-4.1) Department dated 16.07.2010 regularizing the services of temporarily appointed Junior Assistants and Typists for Tsunami work appointed through employment exchange. The said writ petition was disposed by the Court by order dated 08.09.2014 directing the Government to pass orders within a period of three months from the date of receipt of the copy of that order. Challenging the same, the Government has preferred appeal in W.A. No.



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1577 of 2016, which was disposed by the Division Bench of this Court by order dated 11.07.2019 with the direction to consider the case of the temporary Junior Assistants, who have filed W.P. No. 27684 of 2012 and such exercise shall be completed within a period of four months from the date of receipt of a copy of that order.

4. However, the Secretary to Government of Tamil Nadu, Public (Elections-V) Department by Letter No.16840/Ele.V/2016-14 dated 19.11.2019 addressed to the Additional Chief Secretary to Government of Tamil Nadu, Revenue and Disaster Management Department had stated that there is no rule provision to regularize the services of the Junior Assistants appointed on consolidated pay and the same was communicated to the concerned District Collectors vide communication in Na.Ka.No.Service/4(1)/49677/2014 dated 13.08.2020. The said letter and the communication are challenged by certain similarly placed persons to the petitioners in W.P. No. 23826 of 2021, which was allowed by the Court by order dated 22.11.2023 by setting aside those letters and directing to consider the regularization of service of the petitioners therein by taking into consideration of the similar such persons whose



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services have already been regularized on various occasions. Aggrieved thereby, the Government has preferred appeal in W.A. No. 3357 of 2024 before the Division Bench of this Court and interim stay of that order was granted by order dated 18.11.2024. In such circumstances, the petitioners, who are similarly placed to the petitioners in W.P. No. 23826 of 2021, have filed this writ petition claiming that they are entitled for the benefit of the order dated 22.11.2023 passed in W.P. No. 23826 of 2021.

5. The learned counsel for the petitioner submits that the petitioners, who have served for more than 19 years continuously as temporary Junior Assistants, are entitled for regularization of their service and must be treated on par with the temporarily appointed Junior Assistants and Typists for Tsunami work appointed through employment exchange, whose services have been regularized by G.O.Ms.No.332, Revenue (EE-4.1) Department dated 16.07.2010. He further submits that the third respondent has recommended for regularization of the temporary Junior Assistants. Therefore, he prays for a direction to the respondents to regularize the services of the petitioners as Junior Assistants.



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6. The learned Special Government Pleader for the respondents submitted that the petitioners were temporarily appointed as Junior Assistants through employment exchange on contract basis and some of them were allowed to continue to work in that post till date. He further submitted that the consolidated pay of some of the temporarily appointed Junior Assistants were enhanced to Rs.22,400/- and the regular Junior Assistants appointed by Tamil Nadu Public Service Commission are alone eligible to get the regular time scale of pay. He further submitted as there is no rule to regularize the services of temporarily appointed employees, the respondents have no powers to absorb the petitioners as Regular Junior Assistants. He also submitted that the petitioners have no legal right to seek regularization of their services through employment exchange and there is subsistence of communal rotation and other processes have to be followed. He relied on the decision of the Hon'ble Supreme Court of India in *State of Karnataka Vs. Umadevi* reported in AIR 2006 SC 1806 to deprive the benefit to the petitioners. He also submitted that the Division Bench of this Court by order dated 18.11.2024 granted an order of interim stay of the order dated 22.11.2023 in W.P. No. 23826 of 2021 passed by this Court directing to grant the

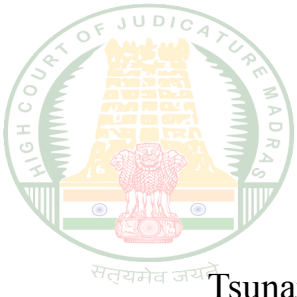


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relief sought by the petitioners.
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7. Per contra, the learned counsel for the petitioner submitted that as the petitioners are serving as temporary Junior Assistants, they have lost their chances to get jobs through employment exchange and they have crossed the upper age limit for appointment through Tamil Nadu Public Service Commission. He further submits that there was only an order of interim stay of the order dated 22.11.2023 in W.P. No. 23826 of 2021 passed by the Court in the writ appeal and the matter has not yet attained finality as it is yet to be decided by the Division Bench of this Court.

8. It requires to be noticed that the third respondent has recommended for regularization taking into consideration of the various aspects including the employment process in the employment exchange and the services rendered by the temporary Junior Assistant, like the petitioners, for more than a decade. Taking into consideration the fact that the Government was considerate to regularize the services of the similarly placed temporary Junior Assistants, who have been appointed for



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Tsunami work through employment exchange and had worked only for four years, the respondents are directed to consider the claim of the petitioners and pass appropriate orders on merits and in accordance with law within a period of 16 weeks from the date of receipt of a copy of this order.

9. With the above directions, the writ petition is disposed of. There shall be no orders as to costs.

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Index: Yes/No
Speaking order/Non-speaking order
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V.BHAVANI SUBBAROYAN,J.

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