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W.P.Nos.2710 and 2751 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2025

CORAM :

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.Nos.2710 and 2751 of 2022 and
WMP No.2913 of 2022

W.P.No.2710 of 2022

V.M.Muniappan

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Public works Department,
Fort St. George, Chennai-600 009.
- 2 The Chief Engineer (Buildings),
Engineer in Chief (Buildings)
Public works Department, Chennai Region,
Chepauk Chennai-600 005.
- 3 The Assistant Executive Engineer,
Public Works Department,
Buildings & Maintenance Sub Division,
Coimbatore-1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to regularize the services of the petitioner on completion of 10 years of NMR / Casual labourer services and to extend all benefits both service and monetary thereto.



W.P.Nos.2710 and 2751 of 2022

W.P.No.2751 of 2022

1. R.Geetha
2. R.Ganesan
- 3 P. Lakshmi

... Petitioners

Vs.

- 1 The State of Tamil Nadu
Rep. by the Secretary,
Public Works Department,
Fort St. George, Chennai 600 009.
- 2 The Chief Engineer and Engineer in Chief (General)
Public Works Department, Chepauk,
Chennai 05
- 3 The Chief Engineer (Buildings)
Public Works Department,
Chepauk, Chennai 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for records relating to the first respondent's order made in G.O.Ms.No.74, P & AR (F) Department dated 27.06.2013 to an extent of paragraph-6 therein is concerned and that of the order of the first respondent made in Letter No. 1746/C2/2017-3 dated 03.08.2017, to quash the same in so far as the petitioners are concerned and to consequently direct the respondents to regularize the services of the petitioners on completion of 10 years of services and to extend all benefits both service and monetary.

In both cases

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.P.Ananda Kumar,
Government Advocate



COMMON ORDER

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The petitioners seek to issue a direction to the respondents to regularize their services on completion of 10 years of NMR / Casual labourer services and to extend all benefits both service and monetary thereto.

2. The brief facts giving rise to the writ petitions are here in below set out:

The petitioners were engaged as casual labours/NMRs 03.11.1997, 01.06.1997, 01.07.1985, and 01.04.1989 respectively and had completed the 10 years of casual service on 02.11.2007, 31.05.2007, 30.06.1995 and 31.03.2004 respectively. As per G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, the casual labourers who have put in 10 years of service as on 01.01.2004, were entitled to regularization. Many of the petitioners' colleagues who have completed 10 years period beyond the crucial date, have been granted the benefit of regularization through G.O.Ms.No.334, Public Works Department, dated 19.10.2007. The petitioners had also sought for the said relief and had filed W.P.No.42326 of 2016 seeking regularization of their services. This Court had directed that they be considered for regularization in the light of the orders passed by the Division bench of this Court in

3 of 7



W.P.Nos.2710 and 2751 of 2022

W.A.No.496 of 2016, dated 25.04.2016 and W.A.No.631 of 2016, dated 13.06.2016 read with G.O.(2D).No.29, Public Works Department (C2), dated 09.02.2016. However, through the impugned order dated 03.08.2017, the said request has been rejected in respect of the petitioners and others on the ground that their candidate has not been sponsored by the employment exchange.

3. It is brought to the notice of this Court that the full bench in W.P.No.23823 of 2023 dated 26.02.2024 has considered the conflicting opinion expressed by the different benches with respect to regularization of the temporary employees. The Full Bench had taken note of G.O.Ms.No.22, Personnel and Administrative Reforms Department (F), dated 28.02.2006 issued pursuant to the Judgement of the Hon'ble Supreme Court reported in *2006 4 SCC 1 (Secretary, State of Karnataka and others vs. Umadevi and others)*, relating to the regularization of temporary employees who had completed ten years of service as on 01.01.2006. The Bench observed that this Government order did not make any difference between persons who had been appointed through employment exchanges and others who had part time and full time employees. After extracting the various Judgments in this regard, the Bench ultimately observed that the Judgement of the Division Bench in the



W.P.Nos.2710 and 2751 of 2022

State of Tamil Nadu, by its Secretary, Public Works department and another vs. S.John Charles and others made in W.A.Nos.2875 of 2018 etc.,

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cannot be accepted as one laying down the law to the effect that the Government is free to appoint persons either part time or full time, temporary basis to permanent force and thereafter oust them at the whims and fancies which would be given an unbridled exercise of indiscretions by the State Government would amount to exploitation. Ultimately the Bench had observed as follows:

“37. We are of the considered opinion that wherever the posts are permanent in nature and they come within 86 categories of posts which form the Tamil Nadu Basic Service, temporary or part-time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularisation de hors the nomenclature that is given to the appointment.

38. In fine, we hold

(a) If it shown that the appointment is made to anyone of the 86 categories of posts enumerated in the Tamil Nadu Basic Service immaterial of the fact that whether such appointment is part-time or full-time, the employee would be entitled to the benefit of regularisation de hors G.O.Ms.No.74 dated 27.06.2013.

(b) If it is shown that the nature of employment is temporary and the requirement will cease to exist after a particular time, like those appointments that are made under various welfare



W.P.Nos.2710 and 2751 of 2022

schemes, it will then be open to the Government to engage temporary employees or part- time employees.”

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4. The above Judgement applies on all fours to the case on hand as the petitioners fall within one of the 86 categories of the post which has been enumerated in the Special Rules for Tamil Nadu basic services and were also admittedly inducted as temporary employees and have put in continuous service of over 10 years. Therefore the writ petitions are allowed as prayed for. No costs. Connected miscellaneous petition is closed.

11.12.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes / No
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To:

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Public works Department,
Fort St. George, Chennai-600 009.
- 2 The Chief Engineer (Buildings),
Engineer in Chief (Buildings)
Public works Department, Chennai Region,
Chepauk Chennai-600 005.
- 3 The Assistant Executive Engineer,
Public Works Department,
Buildings & Maintenance Sub Division,
Coimbatore-1.
4. The Chief Engineer (Buildings)

6 of 7



Public Works Department,
Chepauk, Chennai 600 005.

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W.P.Nos.2710 and 2751 of 2022

P.T. ASHA,J.,

vum

W.P.Nos.2710 and 2751 of 2022 and
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