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W.A.No. 646 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 646 of 2025
and
C.M.P.No.5277 of 2025

1.The Commissioner cum Chief Secretary,
Government of Tamil Nadu,
Agricultural Department,
Fort St.George, Chennai - 600 009.

2.The Director of Agriculture,
Chepauk, Chennai - 600005.

3.The Joint Director of Agriculture,
Trichy.

4.The Assistant Director of Agriculture,
Manikandam,
Trichy District.

... Appellants

Vs.

L.Sivakumar

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 01.03.2023 made in W.P.No.35167 of 2014.

For Appellants : Mr.T.Chandrasekaran
Special Government Pleader

J U D G M E N T



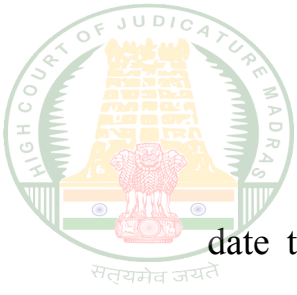
(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The order refusing to regularize the service of the respondent were put

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in issue before the writ Court. The writ Court has found that both the reasons assigned by the Authorities for not regularizing the services of the respondent are not valid, in view of the fact that this Court had held that the completion of 10 years of service should be as on 27.06.2013 and not as on 01.01.2006 and the other reason, that is, assigned is that the respondent has been appointed as a Watchman on a daily wage basis without seeking nomination from the employment exchange.

2. A full Bench of this Court in *Sivappa and Others* has held that if the appointment is made to anyone of posts in basic service, the employer cannot claim that the appointment was on a daily wage basis and therefore, it cannot be regularized. Hence, both the reasons are against the settled law on the issue. The Writ Court has only directed regularization, since the respondent complies with the requirements of the G.O. We therefore, see no merit in this appeal. This Writ Appeal fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.



3.The appellant will regularize the service of the respondent, from the date the respondent completed 10 years of service and pay all monetary benefits due to him, consequent upon such regularization, within a period of twelve weeks from the date of receipt of a copy of this order.

(R.S.M., J.) (G.A.M., J.)
11.03.2025

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Index: No
Speaking order
Neutral Citation : No

To:

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R.SUBRAMANIAN, J.



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