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W.A.No.376 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2025

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.376 of 2023

Tamil Nadu Small Industries Development Corporation Ltd.
(A Government of Tamil Nadu Undertaking)
Rep. By the Chairman and Managing Director
Kathipara, Chennai – 16. .. Appellant

Vs.

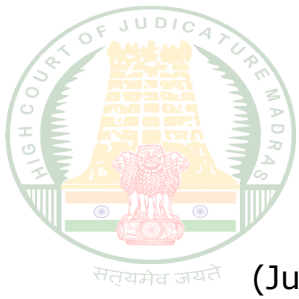
1. K.S.Chakaravarthy
2. The State of Tamil Nadu
Rep. By its Secretary to Government
Personnel and Administrative Reforms (F) Department
Secretariat, Chennai – 9.
3. The Principal Secretary to Government
Micro Small and Medium Enterprises Department
Secretariat, Chennai – 9. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 22.04.2022 in W.P.No.1302 of 2013.

For the Appellant : Mr.A.Prabhakaran

For the Respondents : Mr.R.D.Ashokkumar
for Mr.S.N.Ravichandran
for R1

Mr.R.Kumaravel
Additional Government Pleader
for R2 and R3



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JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

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This intra-Court appeal has been directed against the order passed by the Writ Court dated 22.04.2022 made in W.P.No.1302 of 2013.

2. The first respondent *K.S.Chakravarthy* was appointed on temporary basis by the appellant Department on 08.08.1988. He had been working in that capacity only on temporary basis. When that being so, in order to give the benefit of regularization to these temporarily appointed employees, the Government has come forward to issue a Government Order in G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, under which, those who have completed 10 years' service as temporary employee as on 01.01.2006 would be entitled to get absorbed and regularized on completion of 10 years' service. For giving the benefit of G.O.Ms.No.22, the appellant Department had brought the first respondent employee into regularization by issuance of G.O.Ms.No.91, Micro Small and Medium Enterprises (C) Department dated 10.07.2009. However, such regularization was given effect only from the date of issuance of the Government Order, that is from 10.07.2009.



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3. Challenging the said belated regularization that has been given in favour of the first respondent, the first respondent moved the Writ Court by filing the writ petition in W.P.No.1302 of 2013.

4. The learned Writ Court, having considered the import of G.O.Ms.No.22, as well as the service rendered by the first respondent/writ petitioner on temporary basis for more than 10 years, which he completed in the year 1998 itself and since he would be entitled to get the benefit of regularization on completion of 10 years by virtue of G.O.Ms.No.22, was pleased to set aside G.O.Ms.No.91 dated 10.07.2009 and gave directions to the appellant Department to issue a revised Government Order, by thus, giving regularization with effect from the date he completed the ten years' service from the date of initial appointment as a temporary employee. That order of the Writ Court is appealed before this Court in the present appeal.

5. Heard *Mr.A.Prabhakaran*, learned counsel for the appellant, *Mr.R.D.Ashokkumar*, learned counsel appearing on behalf of *Mr.S.N.Ravichandran*, learned counsel for respondent 1 and *Mr.R.Kumaravel*, learned Additional Government Pleader for respondents 2 and 3.



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6. After having gone through the order that is impugned herein, we do not find any error in the approach and conclusion arrived by the learned Single Judge. The reason being that, the import of G.O.Ms.No.22 has made it very clear that on completion of ten years' service on temporary basis, these incumbents are entitled to get regularized. This Government Order, though was issued on 28.02.2006 with 01.01.2006 as the cut off date, as on 01.01.2006, those who have already completed 10 years' service should have been regularized, except from the date of initial appointment as temporary employee.

7. Here, in the case in hand, the first respondent was appointed temporarily on 08.08.1988. Therefore, on 08.08.1998, he became eligible to get regularized and therefore, if at all regularization is to be made by giving effect to G.O.Ms.No.22, the Department could have issued Government Order, regularizing the service of the first respondent with effect from 08.08.1998.

8. Therefore, the said reasoning and conclusion arrived by the learned Single Judge in directing the Department to issue a revised Government Order, giving such regularization on completion of ten years' service from 08.08.1988 to the first respondent is perfectly in



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order and therefore, does not warrant any interference at the hands of the Division Bench. Hence, the writ appeal fails and stands dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (A.D.M.C., J)
25.03.2025

Neutral Citation:Yes/No

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To:

1. The Chairman and Managing Director
Tamil Nadu Small Industries Development Corporation Ltd.
(A Government of Tamil Nadu Undertaking)
Kathipara, Chennai – 16.
2. The Secretary to Government
The State of Tamil Nadu
Personnel and Administrative Reforms (F) Department
Secretariat, Chennai – 9.
3. The Principal Secretary to Government
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R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.

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