



WEB COPY

W.A.No.1255 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. R.Sankar
2. E.Harikrishnan,
3. D.Prasad
4. D.Kannan
5. K.Rajaram
6. M.Jaiganesh
7. S.Jayalakshmi
8. K.Ramesh
9. V.Babu
10. S.J.Lawrance
11. A.Ashok
12. M.Dhanasekaran

... Appellants

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment and Forest Department,
Fort St. George, Chennai.
- 2.The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building, Saidapet, Chennai - 15.



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3.The Additional Principal Chief
Conservator of Forest / Director, Arignar
Anna Zoological Park, Vandalur,
Chennai - 48.

4.The Wild Life Warden,
Wildlife Division,
Chennai- 600 022.

... Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order passed in W.P.No.4241 of 2022 dated 02.03.2022 and allow the present writ appeal.

For Appellants	: Mr.L.Chandrakumar for M/s.T.Dharani
For Respondents	: Mr.R.Neelakandan. AAG for Mr.G.Ameedius, Government Advocate

JUDGMENT

(Judgment of this Court was delivered by M.S.RAMESH, J.)

When 12 temporary mazdoors, on daily wages, under the Wild Life Warden, Wild Life Division, Chennai/fourth respondent, sought for regularization of their services on the ground that they have put in more than 10 years of service, the first respondent through its letter dated



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21.08.2017, had rejected their claim, predominantly on the ground that they have not completed 10 years as on 01.01.2006, as stipulated under G.O.Ms.No.74, Personnel and Administrative Reforms Department, dated 27.06.2013 and that the post of mazdoor under the Special Rules for Tamil Nadu Basic Service, requires to be filled up by outsourcing as prescribed under G.O.Ms.No.49, Personnel and Administrative Reforms (F) Department, dated 14.05.2002. The consequential order of rejection was also passed by the Additional Principal Chief Conservator of Forests on 31.08.2020. When all these mazdoors had challenged both these orders of the first respondent and the third respondent before the Writ Court in WP.No.4241 of 2022, the Writ Petition came to be dismissed, by placing reliance on the judgment of the Hon'ble Supreme Court in '**Secretary to Government, School Education Department, Chennai Vs. R.Govindaswamy & others**' reported in (2014) 4 SCC 769, through an order passed on 02.03.2022. This order of dismissal is put under challenge before us in the present Writ Appeal.

2. The reasons assigned in the Government order impugned in the Writ Petition, as well as the order of the learned Single Judge, which is



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assailed before us, may warrant interference, owing to a recent decision of the Hon'ble Full Bench of this Court in the case of '**M.Sivappa Vs. State of Tamil Nadu Rural Development Department & others**' reported in **(2024) 2 CTC 1**. The reference to the Full Bench was made by a learned Single Judge, who was appraised of conflicting opinions expressed by the Division Benches of this Court with regard to the issue relating to the operations of G.O.Ms.No.74, dated 27.06.2013.

3. The Hon'ble Full Bench, after making a reference to the Government order in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, which was passed pursuant to the judgment of the Hon'ble Supreme Court in '**State of Karnataka Vs. Umadevi & others**' reported in **(2006) 4 SCC 1**, directing regularization of all temporary employees who had completed 10 years of service as on 01.01.2006, as well as G.O.Ms.No.74 dated 27.06.2013, which restricted the operations of G.O.Ms.No.22 dated 28.02.2006 to certain categories of temporary employees alone, had ultimately held that when part-time or full time appointments are made to any one of the 86 categories of posts enumerated in the Tamil Nadu Basic Service, immaterial of the fact, that



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whether such appointment is part-time or full time, the employees would be entitled to the benefit of regularization de hors G.O.Ms.No.74 dated 27.06.2013.

4. In *M.Sivappa's case (supra)*, the Hon'ble Full Bench also distinguished the judgment of the Hon'ble Supreme Court in *R.Govindaswamy (supra)*, which was relied upon by the learned Single Judge in the writ order impugned before us and held that *R.Govindaswamy* did not deal with the two Government orders that were subject matter of consideration before the other Division Benches and thus, held the ratio therein as inapplicable.

5. Likewise, the two reasons assigned by the Government while rejecting the plea of the writ petitioners for regularization, namely the requirements under G.O.Ms.No.74 dated 27.06.2013, as well as the decision of outsourcing of the posts classified in the Special Rules for Tamil Nadu Basic Service like mazdoor, watchman, sanitary worker etc. have also been dealt in *M.Sivappa's case (supra)* and held it not to act as a



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bar for regularization. The ultimate directions of the Hon'ble Full Bench reads as follows:-

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

6. It would be pertinent to mention here that all the writ petitioners were holding the temporary posts of mazdoors, sweepers, watchman etc., which posts have been referred to in Class 4 category of the Special Rules of the Tamil Nadu Basic Services.



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7. Thus, in view of these developments of the Hon'ble Full Bench in ***M.Sivappa's case (supra)***, both the reasons assigned by the Government in the rejection letter dated 21.08.2017, as well as the judgment in ***R.Govindaswamy's case (supra)*** relied upon by the Writ Court in WP.No.4241 of 2022, cannot be sustained.

8. Curiously, the fourth respondent herein appears to have been sending favourable proposals to the Government for sanctioning of these posts. The learned Additional Advocate General appearing for the respondents would submit that such proposals were sent in the year 2021 and 2022, but the same was rejected by the Government in the year 2024.

9. We are of the considered view that the Government was not justified in rejecting the proposals of the fourth respondent for sanctioning the posts, which the appellants herein have been holding. Now that we have held that ***R.Govindaswamy's case (supra)*** will not be applicable to the present appeal in hand, it would be appropriate that the Government be



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directed to regularize the services of all the appellants herein, on completion of 10 years of their service.

10. In the light of our findings and discussion, the respondents are called upon to pass necessary orders, regularizing the services of the appellants herein, from the date of completion of their 10 years of part-time/temporary service, together with continuity of service and all other service benefits, including the arrears of their salaries. Such orders shall be passed atleast within a period of three (3) months from the date of receipt of a copy of this judgment. Accordingly, the Writ Appeal stands allowed. No costs.

[M.S.R., J] [R.S.V.,J]

16.12.2025

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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To

1. The Secretary to Government,
State of Tamil Nadu,
Environment and Forest Department,
Fort St. George, Chennai.
2. The Principal Chief Conservator of Forest,
Head of the Department,
Panagal Building, Saidapet,
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R.SAKTHIVEL, J.

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