



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20.02.2025

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THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.29680 of 2016

K.Senrayan

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai - 600 004.

2. The District Superintendent of Police,
Dharmapuri District,
At Dharmapuri.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, call for the records relevant to the order in R.C.No.B3/25707/2015, dated 27.07.2016 passed by the 2nd respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents to regularize the petitioner's service from 08.07.1986 onwards.

For Petitioner : Mr.V.Tamilselvan



For Mr.A.Rajesh Kanna

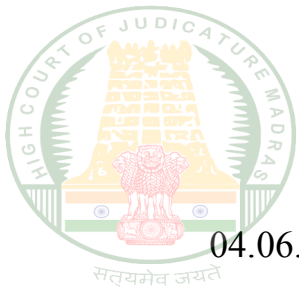
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For Respondents : Mr.G.Ameedius,
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relevant to the order in R.C.No.B3/25707/2015, dated 27.07.2016, passed by the 2nd respondent and to direct the respondents to regularize the petitioner's service from 08.07.1986 onwards.

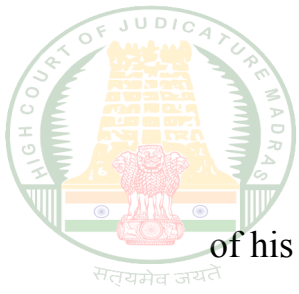
2. The petitioner was appointed as a temporary Sweeper on 01.08.1982 as per the respondent's order dated 28.07.1982, along with two other individuals, Kuppusamy and Kandasamy, who were sponsored through the District Camp at Krishnagiri. Subsequently, they were appointed as Masalji and Gardener in 1982 in existing vacancies on a temporary basis, as per G.O.Ms.No.2657 (Home) Department dated 11.11.1981. Additionally, two more individuals, C. Sivamani and J. Sakkan, were appointed as Masalji and Gardener, and a seniority list was established among them. Kandasamy and Kuppusamy were later reappointed to the regular posts of Masalji and Gardener with effect from 1985 through the proceedings of the then Superintendent of Police, Dharmapuri, in Rc.No.24593/B6/85, dated



04.06.1985. It was also ordered that the existing incumbents mentioned in paragraph 2 (i.e., Sivamani and Sakkan) would continue working in their respective positions as Scavenger and Sweeper after their reversion from regular posts to casual laborers.

3. The petitioner filed W.P.No.29984 of 2015 before the High Court of Madras, seeking regularization of his service from 08.07.1986 onwards. The High Court disposed of the petition at the admission stage on 23.09.2015, with the observation that, though the petitioner had prayed for a larger relief, the court, in light of the facts and circumstances, without going into the merits of the case, directed the second respondent, i.e., the Superintendent of Police, Dharmapuri District, to consider and dispose of the petitioner's representation dated 24.08.2015 on its merits in accordance with the law.

4. Subsequently, the official respondent passed an order informing the petitioner that his service had already been regularized under G.O.Ms.No.56, dated 21.01.2008. Therefore, the question of regularizing his service again did not arise, and he was duly informed of the same. Furthermore, the petitioner was deemed ineligible for reconsideration or further advancement



of his regularization.

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5. The petitioner then filed another W.P.No.29680 of 2016 before the High Court of Madras, seeking a direction to the respondents to regularize his service from 08.07.1986.

6. The petitioner has now made a representation stating that, like Kuppusamy and Kandasamy, his service should also be regularized from 08.07.1986. However, his request has been rejected by all the respondents.

7. The learned counsel for the petitioner was heard.

8. A counter-affidavit was filed by the learned Government Advocate on behalf of the respondents.

9. Upon reviewing the counter, it is evident that the petitioner was granted the benefit of regularization based on G.O.Ms.No.56, Home (Police XV) Department, dated 21.01.2008. According to this order, employees working on daily wages were brought into the regular establishment upon



completing 10 years of service as of 01.01.2006. The government, after careful examination, decided to regularize four individuals, namely, Thiru. Sakkan, Thiru. Sivamani, the petitioner, and Tmt. M. Mani, from the date of the order, granting them relaxation from Rule 4(a) (employment exchange sponsorship), Rule 5(a) (age requirement), and Rule 3(A) (reservation rules) under the Tamil Nadu Basic Service Rules.

10. As per this G.O., the petitioner was granted exemptions related to employment exchange sponsorship, age relaxation, and reservation rules. However, unlike Kandasamy and Kuppusamy, whose appointments as Masalji and Gardener were regularized on 01.06.1985, the petitioner cannot claim equality with them, as he was initially appointed to the cadre of Sweeper.

11. Considering the petitioner's request, along with the fact that his service was already regularized with exemptions under three specific rules, there is no merit in this case.

12. Accordingly, this Writ Petition is dismissed. No costs.



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Index: Yes/No

Speaking Order: Yes/No

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