



W.P.No.20525 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2025

CORAM

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.P.No.20525 of 2025

A.Thukkan

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Environment and Forest Department,
Fort St.George, Chennai – 600 009.
2. The Principal Chief Conservator of Forest,
Panagal Buildings, Annasalai,
Saidapet, Chennai – 600 015.
3. The Chief District Forest Officer,
Vellore Fort, Vellore.
- 4.The District Forest Officer,
Thirupathur Division,
Thirupathur.
- 5.The Forest Range Officer,
Thirupathur Range,
Thirupathur Taluk, Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records



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relating to LL1/20727/2021 dated 12.05.2022 on the file of the second respondent and the copy which issue in Na.Ka.No.1337/12/P2 dated 16.05.2022 furnished by the 4th respondent and set aside quash the same and consequentially direct the respondents to consider the case of the petitioner in accordance with the G.O following the ration laydown by the Hon'ble Division Bench of this Court and appoint and regularise the petitioner anyone of the vacant post of Watcher, with all consequential service and monetary benefits based on the services rendered by the petitioner under the respondents by including the name of the petitioner in the state vide seniority list drawn by the respondents as per the date of joining and issue appropriate orders for regularisation of the petitioner's service with effect from the date of immediate junior's regularisation, together with all service and attendant benefits within the time fixed by this Court.

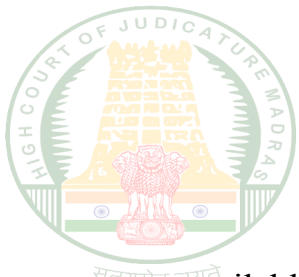
For Petitioner : Mr.M.Udhaya Kumar

For Respondents : Mr.C.Selvaraj,
Additional Government Pleader

ORDER

The instant Writ Petition has been filed challenging the impugned order dated 12.05.2022 passed by the second respondent.

2. Heard the learned counsel for both sides and perused the materials



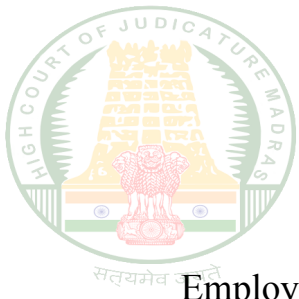
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available on record.

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3. The learned counsel for the petitioner would submit that the second respondent has rejected the petitioner's prayer for regularization only on the ground that he has completed 3 years and 10 months instead of 10 years. In this connection, he relied upon the judgment of the learned Single Judge of this Court in W.P. No. 7572 of 2015, dated 18.04.2022, and would contend that 10 years of continuous service is not a mandatory prerequisite. Therefore, G.O. Ms. No. 95, Environment and Forest Department, dated 07.08.2009, is invalid and inoperative in view of the prevailing Government Orders in G.O. Ms. Nos. 64 and 65, dated 06.03.1999, and 08.03.1999, respectively. Hence, he prayed to interfere with the impugned order.

4. Per contra, the learned Additional Government Pleader appearing for the respondents would contend that, according to G.O. Ms. No. 22, Personnel and Administrative Reforms Department, dated 27.06.2013, daily wage employees who are working in all Government departments and have rendered 10 years of service as on 01.01.2006, could be regularized. And according to G.O. Ms. No. 74, the service of full-time daily wage employees who were initially appointed on a full-time basis in consultation with the



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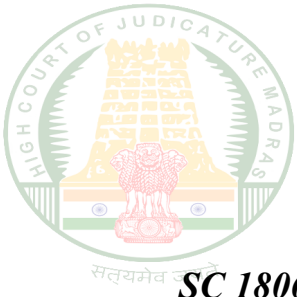
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Employment Exchange to discharge the functions of the post in the Tamil Nadu Basic Service and have completed 10 years of service as on 01.01.2006, shall be regularized. He would further submit that the petitioner has only completed 3 years and 10 months. Therefore, he is not eligible for regularization of his service.

5. I have given my anxious consideration to either side submissions.

6. It is a well-settled principle of law that regularization cannot be done contrary to Government Orders. In the present case, the petitioner was not appointed to a sanctioned post and worked only as a Road Gang Mazdoor on a daily wage basis under the NMR scheme. Therefore, when a person is appointed to an unsanctioned post, they cannot claim regularization unless they satisfy the respective Government Orders. It is a well-established principle of law that regularization is not a matter of right, as categorically held by the Hon'ble Supreme Court in various judgments, including:

- (i) ***Secretary to Government, School Education Department, Chennai Vs. R. Govindaswamy & others (C.A. Nos. 2726-2729 of 2014);***
- (ii) ***State of Karnataka & Ors. Vs. Umadevi & Ors.*** reported in (AIR 2006,



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SC 1806);

(iii) *Union of India & Ors. Vs. A.S. Pillai & Ors.* reported in ((2010) 13

SCC 448); and

(iv) *State of Rajasthan & Ors. V. Dayala Lal & Ors.* reported in (AIR 2011

SC 1193).

Hence, these principles and judgments, this Court does not find any merit in the present Writ Petition.

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

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Index : Yes/No

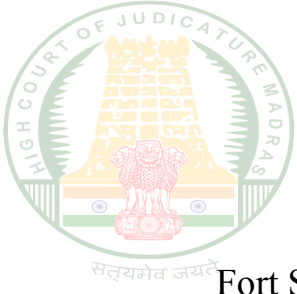
Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Secretary,
State of Tamil Nadu,
Environment and Forest Department,

5/7



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C.KUMARAPPAN, J.

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