



W.P.No.17499 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.17499 of 2025

and W.M.P.Nos.19849, 19850 and 19851 of 2025

R.Mathivanan

... Petitioner

-Vs-

1. The State of Tamil Nadu,
Represented By Its Principal Secretary,
Rural Development Department,
Secretariat, Fort St. George,
Chennai -9.
2. The Director of Rural Development,
Panagal Building, Saidapet,
Chennai-15.
3. The District Collector,
Dharmapuri District.
4. The Personal Assistant (Development),
to The District Collector,
Dharmapuri District.



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5. The Commissioner/Block Development Officer,
Morappur Panchayat Union,
Dharmapuri District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Na.Ka.No.6786/2025/K3 dated 18.03.2025 and consequently direct the respondents to pass orders for regularization of service of the petitioner in the Post of Masalci from the date of initial appointment with all service and monetary benefits in the light of order passed in Full bench Judgement of this Hon'ble Court passed in W.P.No.23823 of 2023 (Sivappa Vs The State of Tamil Nadu).

For Petitioner	: Mr.L.Chandrakumar for Mr.C.Mahendran
For R1 to R4	: Mr.R.U.Dinesh Rajkumar Additional Government Pleader
For R5	: Mr.E.Sundaram

ORDER

This Writ Petition has been filed challenging the order dated 18.03.2025,



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passed by the third respondent, thereby ordering to discharge the petitioner from

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the engaged service.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was originally appointed as Masalchi by an order dated 01.05.1987 on the file of the fifth respondent on consolidated salary. The petitioner was working full time in the office of the fifth respondent. Thereafter, the petitioner had worked as Night Watchman temporarily. Later, he was reverted back to the original post. However, he was not regularized. On the request made by the similarly placed persons, the Government passed an order in G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.12.2006, thereby ordering that those individuals who were appointed on consolidated pay or daily wages and had completed ten years of service are entitled for regularization.



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4. However, the case of the petitioner was not considered and as such, the petitioner was constrained to file an application in O.A.No.2373 of 1998. Subsequently, it was transferred to this Court and re-numbered as W.P.No.35886 of 2006. Thereafter, the second respondent, by a Memorandum dated 25.11.2008 stated that who are appointed after 01.04.1981 on contingency basis and have completed ten years of service are eligible for regularization in terms of G.O.Ms.No.267, Rural Development Department dated 22.12.1999. Accordingly, the services of 218 employees were regularized. However, the petitioner was not considered for regularization. Further, another set of persons were regularized by way of G.O.No.144 dated 09.09.2008. But the petitioner's service was not considered for regularization. Hence, this writ petition.

5. A perusal of the counter filed by the third respondent and on the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 4 reveals that the petitioner's service was not considered



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for regularization, since the appointment of the petitioner was not made against sanctioned post or through any formal recruitment process. Therefore, he was found ineligible due to the absence of the sanctioned posts and non-regular method of appointment.

6. This issue has been categorically dealt with by the Hon'ble Full Bench of this Court in ***W.P.No.23823 of 2023*** dated ***26.02.2024***, wherein the Hon'ble Full Bench of this Court held as follows:-

“ 37. We are of the considered opinion that wherever the posts are permanent in nature and they come within 86 categories of posts which form the Tamil Nadu Basic Service, temporary or part-time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularisation dehors the nomenclature that is given to the appointment.

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 fulltime, the employee would be entitled to the benefit of regularisation dehors G.O.Ms.No.74 dated 27.06.2013.



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(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.

39. We conclude that the judgments in State of Tamil Nadu. by its Secretary, Public Works Department. and another vs. S. John Charles and others, and State of Tamil Nadu rep by its Secretary to Government, Rural Development and Panchayat Raj Department and others vs K.Rajakrishnan, cannot be taken as laying down an inflexible rule of law that any part-time or temporary employee who has completed 10 years of service on 28.02.2006 will not be entitled to regularisation. The benefit of regularisation will depend on the nature of the job and the fact that whether the post falls within any one of the 86 categories mentioned in the Special Rules for Tamil Nadu Basic Service.”

7. Thus, it is clear that wherever the posts are permanent in nature and they come within 86 categories of posts which form the Tamil Nadu Basic Service, temporary or part-time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularisation de hors the nomenclature that is given to the appointment.



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8. Admittedly, the petitioner was appointed in the regular vacancy on 01.05.1987 as Masalchi as a full time worker. He has been continuously working even till today in the same post as full time worker under the fifth respondent. The service of the petitioner has come under the categories of Tamil Nadu Basic Services. Therefore, the appointment of the petitioner either as full time or part time, is entitled to be regularized de hors the Government Order in G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department dated 27.06.2013. Therefore, the contention of the respondents cannot be countenanced.

9. In view of the above, the impugned order cannot be sustained and is liable to be quashed. Accordingly, the order passed by the third respondent in Na.Ka.No.6786/2025/K3 dated 18.03.2025, is hereby quashed. The respondents are directed to regularize the service of the petitioner as Masalchi from the date which he had completed ten years of service as Masalchi, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that



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the petitioner is eligible for all service benefits from the date of his

regularization of service.

10. Accordingly, this writ petition stands allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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To

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The State of Tamil Nadu,
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Secretariat, Fort St. George,
Chennai -9.
2. The Director of Rural Development,
Panagal Building, Saidapet,
Chennai-15.
3. The District Collector,



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G.K.ILANTHIRAIYAN. J.

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