



W.A.Nos.2538 and 2543 of 2022

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M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

After we had pronounced final orders on 18.09.2025, the Writ Appeals have been listed today at the instance of the appellants herein under the caption “For being mentioned”.

2.We find that an error had crept in paragraph No.5 of our final order by inadvertence.

3.Accordingly, paragraph No.5 of our earlier order passed in W.A.No.2538 and 2543 of 2022 dated 18.09.2025 shall stand substituted as follows:

“ ...

5.Accordingly, the order impugned in W.P.No.6235 and 6237 of 2014 stands quashed. Consequently, there shall be a direction to the respondents to pass appropriate orders, bringing the appellants’ service into regular service and fix their pay scale accordingly, with effect from the date on which they have completed 10 years of service, with all attendant benefits accruing out of the regularisation. However, the



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appellants will

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not be entitled for the arrears of their salaries, on such re-fixation of their pay scales. Such orders shall be passed, at least within a period of eight (8) weeks from the date of receipt of a copy of this order.”

3.All other findings and observations made in our earlier final order dated 18.09.2025 shall remain unaltered.

4.Registry is directed to incorporate the above correction and issue a fresh order copy to the parties.

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

27.11.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

CORAM :

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

W.A.Nos.2538 and 2543 of 2022

U.Murugesan ... Appellant in W.A.No.2538 of 2022

A.Muthu ...Appellant in W.A.No.2543 of 2022

Vs.

1.The State of Tamil Nadu,
Rep. Secretary to the Government,
Labour and Employment (E2) Department,
Chennai-600 009

2.The Commissioner of Labour,
Chennai-600 006 ... Respondents in both W.As

PRAYER in W.A.No.2538 of 2022: Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the order dated 20.06.2022 in W.P.No.6237 of 2014 passed by this Court.



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PRAYER in W.A.No.2543 of 2022: Appeal is filed under Clause 15 of the

Letters Patent, praying to set aside the order dated 20.06.2022 in

W.P.No.6235 of 2014 passed by this Court.

In both W.As

For Appellant : Mr.R.Subramanian

For Respondents : Mr.UM.Ravichandran
Special Government Pleader
for R1 and R2

COMMON JUDGMENT

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

Before the Writ Court, the appellants herein had claimed that they were continuously engaged as daily wage employees for more than ten years as on 01.01.2006 and therefore, had sought for the benefits of G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006, for regularization of their services. The learned Single Judge vide order dated 20.06.2022 passed in W.P.Nos.6235 of 2014 and 6237 of 2014 had rejected their claim, which order is assailed in the present Writ Appeals.



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2. After the aforesaid order was passed, the Hon'ble Full Bench of this Court had an occasion to deal with this issue of regularization of part-time / daily wage employees, on a reference made in view of conflicting judgments, and by an order passed in ***M.Sivappa vs. State of Tamil Nadu and others***, reported in [2024 (2) CTC 1], had held that if it is substantiated by the part-time employee that he falls under any one of the 86 categories of posts enumerated in the Special Rules for Tamil Nadu Basic Service, immaterial of the fact that whether such an appointment is part-time or full-time, the employee would be entitled to the benefit of Regularization *de hors* G.O.Ms.74, dated 27.06.2013. In the said decision of the Hon'ble Full Bench, several decisions of the Supreme Court, including the case of ***Secretary, State of Karnataka & others vs. Uma Devi***, reported in [2006 (3) LLN 78 (SC)], were referred to and analysed.

3.It is not in dispute that the post of watchmen, in which the appellants were engaged on part-time basis, finds place in Sl.No.11 of the Tamil Nadu Basic Service Rules. The fact that the appellants herein were employed as part-time watchmen for more than ten years as on 01.01.2006, is also not under dispute. As such, they would be entitled for the benefit of



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the decision of the Hon'ble Full Bench in ***M.Sivapa's case*** (*supra*).

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4.Since the learned Single Judge did not have the benefit of the decision of the Hon'ble Full Bench, which was pronounced after the orders passed in the Writ Petition, we do not intend to go into the merits of the findings therein. However, in view of ***M.Sivapa's*** decision, the order passed in the Writ Petition cannot be legally sustained.

5. Accordingly, the order impugned in W.P.Nos.6235 and 6237 of 2014 stands quashed. Consequently, there shall be a direction to the respondents to pass appropriate orders, bringing the appellants' service into regular service and fix their pay scale accordingly, with effect from 28.02.2006. However, the appellants will not be entitled for the arrears of their salaries, on such re-fixation of their pay-scales. Such orders shall be passed, at least within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Appeals stand allowed. No Costs.

[M.S.R., J]

[R.S.V.,J]



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18.09.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1.The Secretary to the Government,
Labour and Employment (E2) Department,
Chennai-600 009

2.The Commissioner of Labour,
Chennai-600 006

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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18.09.2025