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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.26294 of 2024

P.Raja

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Secretary,
Agricultural Department,
Fort St. George,
Chennai.

2.The Commissioner cum Director of Agriculture
Chepauk, Chennai.

3.The Joint Director of Agriculture
Thiruvarur.

4.The Assistant Director of Agriculture
Thiruthuraipoondi,
Thiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records on the file of the 2nd respondent in connection with the rejection order in Se.Mu. Aa.No.AUP3/ 75062/ 2022 dt.15.07.2024 and to quash the same as illegal and discriminative and direct the respondents to regularize the



service of the petitioner from the date of completion of 10 years of service i.e., 22.12. 2005 with all monetary and service benefits on par with similarly placed in the light of the Government Orders in G.O.No.22 P & A.R. Department dated 28.02.2006 within a time frame.

For Petitioner .. Ms.T.Aananthi

For R1 to R4 .. Mr.S.Yashwanth, AGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an order dated 15.07.2024 passed by the 2nd respondent and to quash the same and direct the respondents to regularize the services of the petitioner from the date of completion of 10 years of service namely, from 22.12.2005 and to grant monetary and service benefits on par with the similarly placed employees in the light of G.O.Ms.No.22 Personnel and Administrative Reforms Department dated 28.02.2006.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had been appointed as Foam worker on 22.12.1995 on daily wages by the 3rd respondent / Joint Director of Agriculture,



Thiruvarur and has been working continuously without any break. On the date of filing of the writ petition, he had completed 29 years of continuous service. The petitioner placed reliance on G.O.Ms.No.22 Personnel and Administrative Reforms Department dated 28.02.2006, which is as follows:

“3.The Departments of Secretariat may, therefore, be directed to pursue action to regularise the services of the daily wages employees working in all Government Departments, who have rendered 10 years of service as on 01.01.2006 as ordered in para 2 above, in consultation with the respective Heads of Departments wherever necessary. In special cases wherein relaxation of rules is required, proposal shall be sent to Government.

4.This order issues with the concurrence of Finance Department vide its U.O.No.985/FS/P/2006 Dated 28.02.2006.”

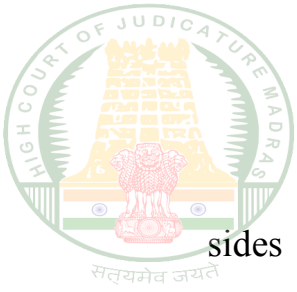
3.The petitioner claims that therefore there was a legitimate expectation that his service should have been regularized on completion of 10 years of continuous service / 22.12.2005. In the impugned order the



respondents have stated that subsequent to G.O.Ms.No.22, the respondents have passed G.O.Ms.No.74 P & AR Department on 27.06.2013 wherein, it had been stated that automatic regularization cannot be done even though daily rated workers would have completed 10 years of service and the source of appointment under which they have appointed will have to be examined.

4.In this connection, reference had been made to the opinion made by the Commissioner cum Director of Agriculture, Chennai who had pointed out that the petitioner herein had not been appointed through employment exchange in communication dated 11.07.2024 in letter No.14301/Ve.Ni.9/2022-12.

5.But however, the learned counsel for the petitioner pointed out that G.O.Ms.No.74 had been put to test before this Court in a batch of writ petitions in ***W.P.No.29346 of 2013 batch, G.Sivajiganesan and others Vs. State of Tamil Nadu, Rep. by its Secretary Public Works, Department Fort St. George, Chennai - 9*** and a learned Single Judge by a common order dated 22.09.2017 after examining the arguments put forth by both the



sides had held as follows:

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“24.For the foregoing reasons, the impugned G.O.Ms.No.74 P & AR Department; dated 27.06.2013 is hereby set aside insofar as para 6 is concerned and the petitioners in all the writ petitions are entitled to regularization of their services on competition of 10 years of service by virtue of G.O.Ms.No.22 P & AR Department, dated 28.02.2006 and also in line with similar orders passed by this Court in various earlier petitions quoted supra. The respondents are directed to pass orders regularizing the services of the petitioners, within a period of three months from the date of receipt of a copy of this order.

With the above observation and direction, these Writ Petitions are allowed. No costs. Consequently, connected MPs are closed.”

6.It is thus contended that G.O.Ms.No. 74 P & AR Department on 27.06.2013 was set aside in so far as paragraph No.6 is concerned namely,



that it has retrospective effect. It had also been contended by the learned counsel that the Government order relied on by the respondents in the impugned order would only have prospective effect and the petitioner having been appointed much earlier in the year 1995 and having completed 10 years of service in the year 2005, cannot come under the purview of G.O.Ms.No.74 and the Government order is applicable to the petitioner is G.O.Ms.No.22.

7.In the counter affidavit, the respondents have once again reiterated that the proper Government order to be applied to the petitioner is G.O.Ms.No.74 P & AR Department (F) dated 27.06.2013. Though it had been mentioned that it comes into effect on 01.01.2006. That portion of the order had been set aside by the learned Single Judge. Therefore, it would come into effect on and from 27.06.2013.

8.It is thus clear that the petitioner's representation seeking to be regularized on completion of 10 years of service will have to be necessarily considered by the respondents in its proper perspective. The impugned order is set aside. A direction is given to the respondents to bring the petitioner in



the regular service on and from 21.12.2005, the date on which he had completed 10 years of service and grant service and monetary benefits on and from that particular date to the petitioner. The entire exercise must be completed within a period of six weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition stands allowed. No costs.

08.04.2025

Index: Yes/No
Internet: Yes/No
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To

1. The Secretary,
Government of Tamil Nadu,
Agricultural Department,
Fort St. George,
Chennai.

2. The Commissioner cum Director of Agriculture
Chepauk, Chennai.

3. The Joint Director of Agriculture
Thiruvavur.

4. The Assistant Director of Agriculture



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Thiruthuraipoondi,
Thiruvarur District.

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C.V.KARTHIKEYAN,J.

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