



W.A No. 3196 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

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AND

CMP.No.26007 of 2025

1. The Government of Tamil Nadu

Rep by its Secretary

Agriculture Department,

Fort St. George, Chennai

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

3. The Joint Director of Agriculture,
Thiruthuraipoondi,
Thiruvaur District.

..Appellant

Vs

P.Raja

Writ Appeal is filed under Clause 15 of Letter Patent to set aside the order dated 08.04.2025 passed in W.P.No. 26294 of 2024.

For Appellant: Mr.E.Veda Bagath Singh, Spl.GP



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For Respondent :

JUDGMENT

(Made by ***HEMANT CHANDANGOUDAR, J.***)

This intra-court appeal assails the order dated 08.04.2025 passed by the learned Single Judge in W.P. No. 26294 of 2024. By the said order, the order dated 15.07.2024 passed by the second appellant, refusing to regularize the services of the respondent/writ petitioner, was set aside, and a direction was issued to the appellants to regularize the services of the respondent/writ petitioner with effect from 21.12.2005, i.e., the date on which he had completed ten years of service, and to grant him service and monetary benefits.

2. The respondent/writ petitioner was appointed as a Foam Worker on 22.02.1995 on daily wages by the third respondent and has been working continuously without any break for more than 29 years. His request for regularization was rejected on the ground that G.O. Ms. No. 74, P&AR Department, dated 27.06.2013, does not provide for automatic regularization even if daily-rated workers have completed ten years of service, and that the



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source of appointment under which such workers were engaged must be examined. The learned Single Judge, by the impugned order, set aside the said rejection order. Hence, this writ appeal.

3. Mr. E. Veda Bagath Singh, learned Special Government Pleader for the appellant/State, submitted that the appointment of the respondent/writ petitioner on daily wages, being de facto and not through regular recruitment, does not entitle him to regularization of service merely by virtue of having completed ten years, as per G.O. Ms. No. 74, dated 27.06.2013. It was further submitted that under the said G.O., the respondent/writ petitioner is not entitled to regularization, and that the learned Single Judge, by erroneously holding that the G.O. is prospective in nature, wrongly set aside the impugned order.

4. The arguments advanced by the learned Special Government Pleader for the appellant and the materials placed on record have been duly considered.

5. The core issue involved in the present appeal is whether the respondent/writ petitioner, who had been engaged as a daily-rated worker in the year 1995 and had completed ten years of continuous service in 2005, is entitled to seek regularization of his services notwithstanding the applicability of G.O.



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Ms. No. 74, P&AR Department, dated 27.06.2013.

6. On a perusal of the records, it is seen that the order in G.O. Ms. No. 74, P&AR Department, dated 27.06.2013, was challenged before this Court in W.P. No. 29346 of 2013 and connected writ petitions. The Coordinate Bench of this Court, by a common order dated 22.09.2017, quashed the said G.O. insofar as paragraph 6 was concerned, by which the Government Order had been given retrospective effect. The learned Single Judge, relying on the said decision of the Coordinate Bench which has attained finality, rightly held that the respondent/writ petitioner, having been appointed in 1995 and having completed ten years of service in 2005, does not fall within the purview of the said G.O. As similarly situated persons have been regularized, the respondent/writ petitioner cannot be denied such benefit, as doing so would be discriminatory and arbitrary.

7. The respondent/writ petitioner entered service in 1995 and completed ten years of continuous service well before the issuance of G.O. Ms. No. 74. Therefore, the learned Single Judge was fully justified in holding that the said G.O. has no retrospective application to the case of the respondent/writ



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petitioner. We find no infirmity or illegality in the order passed by the learned Single Judge.

8. Accordingly, the writ appeal stands ***dismissed***. Consequently, the connected miscellaneous petition is closed. There shall be no order as to costs. The appellant/State is granted a period of three (3) months from today to comply with the directions issued by the learned Single Judge in the impugned order

(R.S.K. J.,) (H.C. J.,)

04.11.2025

Index : Yes / No
Internet : Yes/No
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