



W.P.No.30243 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 19.03.2025

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.30243 of 2024

P. Murugan,
S/o. M.Peraman,
Panchayat Secretary,
Panikondan Viduthi,
Kaduvetti Viduthi (PO),
Orathanadu (TK),
Thanjavur District - 614 614.

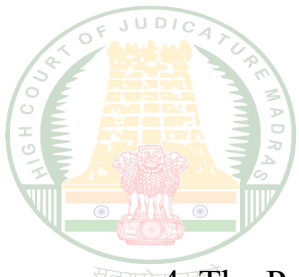
... Petitioner

VS.

1. The Secretary,
Rural Development & Panchayat Raj Department,
Secretariat,
Chennai - 600 009.

2. The Director,
Rural Development & Panchayat Raj,
Panagal Building,
Saidapet,
Chennai - 600 015.

3. The District Collector,
Thanjavur District Collectorate,
Thanjavur District.



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4. The Personal Assistant (G),
Thanjavur District Collectorate,
Thanjavur District.

5. The Block Development Officer,
Village Panchayats,
Panchayat Union Office,
Thiruvonam.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd, 4th and 5th respondents herein to promote the petitioner as Junior Assistant/Village Welfare Officer Grade II, under the 20% reservation, for the panel year 2020-2021, in accordance with the G.O.Ms.No.245 Rural Development (E5) Department dated 04.08.1997, on considering the representation of the petitioner dated 19.07.2024.

For Petitioner : Mr.P.K.Rajesh Praveen Kumar.

For Respondents : Mr.S.Yashwant,
Additional Govt. Pleader, for R1 to R5

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against 3rd, 4th and 5th respondents to promote the petitioner Junior Assistant/Village Welfare Officer, Grade – II under the 20% reservation for the panel year 2020-2021 in accordance with the G.O.Ms.No.245, Rural Development



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(E5) Department, dated 04.08.1997. The petitioner had given a representation on

WEB 19.07.2024.

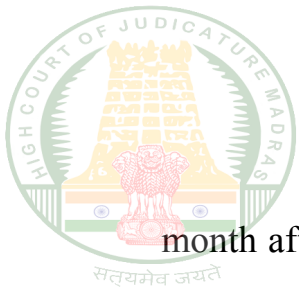
2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had been appointed as Panchayat Secretary in Panikondan Viduthi, Kaduvetti Viduthi, Orathanadu Taluk at Thanjavur District on 29.11.1996 Forenoon. The order was issued by the Block Development Officer, Village Panchayat/5th respondent herein. The Panchayat had also passed a resolution with respect to the appointment of the petitioner. The petitioner belongs to Scheduled Caste community. He had completed more than 25 years of service without any adverse remarks. His service had been regularised and he was in Seniority No.6 in 2020-2021 seniority list panel. The 2nd respondent had prepared the list of Panchayat Secretaries for the panel year 2020-2021 to be further promoted as Junior Assistant/Village Welfare Officer, Grade-II, under the 20% reservation scheme. It had been stated that a fresh list was thereafter prepared on 30.12.2022. The petitioner's name was not found. His juniors were however considered and promoted.



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3. The petitioner had given a representation on 05.01.2023 for which,

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month after month, year after year, for the past 25 years. Therefore, the petitioner had obtained a legitimate expectation to continue and be recognised as part of the service. His service had also been regularised. The issue, whether the respondents would be bound by the principle of promissory *estoppel* has also to be examined. They had permitted the petitioner to continue in Office and to discharge his duties continuously on and from the date on his appointment.

4. In this regard, reference could be made to the judgment of the Hon'ble Supreme Court reported in **2024 INSC 1034** (Neutral Citation), **Jaggo v. Union of India and others**, wherein it had been held as follows.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- Misuse of “Temporary” Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labeled as “temporary”*



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or “contractual,” even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- *Arbitrary Termination:* Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- *Lack of Career Progression:* Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- *Using Outsourcing as a Shield:* Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- *Denial of Basic Rights and Benefits:* Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social



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security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances.

26. While the judgment in Secretary, State of Karnataka vs. Uma Devi, (2006) 4 SCC 1 sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in Secretary, State of Karnataka vs. Uma Devi, [(2006) 4 SCC 1] to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose,



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effectively weaponizing it against employees who have rendered indispensable services over decades.

27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country.

5. The dictum laid above is clear. It has been held that after many years of service, the appointment cannot be questioned by the respondents. In view of that particular fact, it is held that the appointment of the petitioner cannot be categorised as irregular. He had discharged service and therefore, viewed from



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any angle, he should be recognised to be included in the panel for the year 2020 –

WEB COPY 2021, for further promotion as Junior Assistant/Village Welfare Officer, Grade-II.

It must also be stated that this was only the first promotion available to the petitioner and this would also probably be the last promotion for the petitioner who had put in more than 25 years of service without any adverse remarks which itself is remarkable.

6. I would therefore allow the Writ Petition and direct the respondents to include the name of the petitioner provided he is otherwise eligible so far as seniority is concerned and include him in the panel for the year 2020-2021 for promotion to the post of Junior Assistant/Village Welfare Officer, Grade-II under the 20% reservation scheme available for Scheduled Caste community.

7. The writ petition stands allowed. The respondents are directed to pass appropriate orders, within a period of four months, from the date of receipt of copy of this order. No costs.

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Neutral Citation : Yes/No.
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To,

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Secretariat,
Chennai - 600 009.
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Rural Development & Panchayat Raj,
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3. The District Collector,
Thanjavur District Collectorate,
Thanjavur District.
4. The Personal Assistant (G),
Thanjavur District Collectorate,
Thanjavur District.
5. The Block Development Officer,
Village Panchayats,
Panchayat Union Office,
Thiruvonam.
6. The Government Pleader, High Court, Madras.



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C.V.KARTHIKEYAN, J.

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