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W.A.No.330 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

.THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.330 of 2025

and

C.M.P.No.2637 of 2025

1.The State of Tamil Naud,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Director of Collegiate Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Regional Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli.

... Appellants

Vs.

S.Chandrabose

... Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 01.11.2023 made in W.P.No.22130 of 2022 and to allow the above Writ Appeal.

For Appellants : Mr.C.Jayaprakash, Government Advocate



J U D G M E N T

WEB COPY (Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

We find no merit in this Writ Appeal. By the order impugned in the Writ Petition the claim of the petitioner for notional promotion on par with his juniors was rejected on the ground that though initially the appointment of the petitioner was irregular his services were regularized on 24.10.2002 with effect from his initial date of appointment vis., 07.04.1993 only on sympathetic grounds.

2. Admittedly the respondent was appointed as a night watchman in the year 1993. However, his services were not regularized because there was a dispute regarding the promotion of his predecessor to the post of Assistant from the post of night watchman. Upon representation of the petitioner his services were regularized by the proceedings in G.O.Ms.No.294, Higher Education Department, dated 24.10.2002 with effect from 07.04.1993. Therefore, for all practical purposes the petitioner should be deemed to have been in regular service from 07.04.1993 and he will be entitled to all benefits as he has been in regular service from 07.04.1993. Denial of such benefits would only be putting premium on the mistake committed by the Department in not regularizing the



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services of the petitioner.

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3. The learned Single Judge has rejected the contention of the respondents and concluded that the petitioner should be deemed to have been regularly appointed as night watchman in 1993 and he would be entitled to promotion to the post of Typist, Assistant and Superintendent retrospectively with effect from 01.02.2002 on par with his juniors who were promoted.

4. Hence, this Writ Appeal is **dismissed** as devoid of merits. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (G.A.M.,J.)
13.02.2025

dsa

Index : No

Neutral Citation : No

Speaking order

To

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