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W.A.No.3383 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.No.3383 of 2025
and
C.M.P.No.27571 of 2025**

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Backward Classes & Most Backward Classes
and Minorities Welfare Department,
Secretariat, Chennai - 600 009.
2. The Director of Backward Classes and
Minorities Welfare,
Chepauk, Chennai - 600 005.
3. The Director of Most Backward Classes Welfare,
Chepauk, Chennai – 600 005.
4. The District Backward Classes and
Minorities Welfare Officer,
Kancheepuram,
Kancheepuram District.
5. The District Backward Classes and
Minorities Welfare Officer,
Thiruvallur, Thiruvallur District.

... Appellants

-Vs-

M.Nagarajan

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 20.09.2024 in W.P.No.5459 of 2023.



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For Appellants : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.K.H.Ravikumar
Government Advocate
For Respondent : Mr.V.Sivalingam
for M/s.C.S.Associates

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 20.09.2024 made in W.P.No.5459 of 2023.

2. The respondent Nagarajan was appointed as Cook on temporary basis with effect from 26.03.1998. Thereafter, along with him, similarly placed persons were extended under the benefit of regularisation of their services from 27.12.2006.

3. As against the belated regularization, all the similarly placed persons including the present respondent / writ petitioner has approached the writ Court by filing writ petition in W.P.No.2268 of 2016, where a direction was given by the writ Court dated 22.01.2016 to the employer to reconsider the issue and to take a decision with regard to their plea for regularization from the date of initial appointment. Even that was rejected by an order dated 10.05.2016.



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4. As against the order dated 10.05.2016, again a second round of litigation was initiated by filing W.P.No.26731 of 2018 and the writ Court allowed the said writ petition on 03.07.2023 by setting aside the said order dated 10.05.2016, thereby a direction had been given to the employer to regularise the services with effect from the initial date of appointment of those employees.

5. However, the fact remains that, in the second round of litigation in W.P.No.26731 of 2018 challenging the order of rejection dated 10.05.2016, the respondent / writ petitioner had not joined, in other words, he was not one of the party writ petitioner in the said second round of litigation.

6. Insofar as the said order passed by the writ Court dated 03.07.2023 is concerned, because of the contempt petition in Contempt Petition No.1277 of 2024 was filed by those writ petitioners, the appellant employer had complied with the said order, thereby the services of other persons had been regularised from the date of their initial appointment, whereas such a gesture has not been shown to the respondent / writ petitioner.

7. Only belatedly, after knowing the result, the present respondent / writ petitioner namely, Nagarajan had come to the Court and filed the present writ petition i.e., W.P.No.5459 of 2023 which in fact was allowed by the learned Judge through the impugned order dated 20.09.2024.



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8. Though before the learned Single Judge, the ground of delay and latches was projected by the appellants who stood as respondents / employer, that was overcome by the writ Court by giving reasons that, even though the present writ petitioner has to be considered as a fence sitter, insofar as his case is concerned which is similarly placed that of the other employees who got the benefit of regularization from the date of original appointment, such benefit if it is denied at this last moment to the present writ petitioner, he would be losing the valuable right of getting the pension as his regularization now has been made only in the year 2006, whereas others got regularization prior to 2003, i.e., 01.04.2003, thereby the pensionary benefits though had been conferred on them, the same will be denied to the present writ petitioner, therefore that influenced the mind of the writ Court and thereby, the writ petition was allowed through the impugned order.

9. Though an attempt has been made by Mr.M.Suresh Kumar, learned Additional Advocate General appearing for the appellants to assail the said order, we are not impressed with the submissions made by him for the reason that has been adduced by the writ Court through the impugned order as the similarly placed persons cannot be denied the benefits, as equals cannot be treated unequally which is one of the celebrated doctrines which can be applied in the present case in the facts and circumstances of the case.



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10. In that view of the matter, we are not inclined to interfere with the order passed by the writ Court, resultantly, this Writ Appeal fails and hence it is dismissed.

11. After dictating the order, the learned Additional Advocate General appearing for the appellants wants three months time to comply the order passed by the writ Court which is impugned herein. The said request of the learned Additional Advocate General is accepted. Therefore, three months time is granted from the date of receipt of a copy of this judgment to comply the order of the writ Court which is impugned herein. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
10.11.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji



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To

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