



W.P.No.34777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 24.03.2025

CORAM :

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

W.P.No.34777 of 2024
& W.M.P.No.37713 of 2024

M.Mohan, M/51,
Son of Munusamy,
No.1/78, A-New Colony,
Nallampalli Post & Taluk 636 807,
Dharmapuri District.

... Petitioner

vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Fort St.George,
Chennai 600 009.

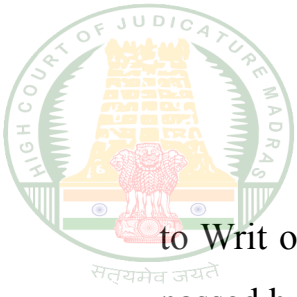
2. The Director/Commissioner,
Rural Development and Panchayat Raj Department,
Panakal Building,
Saidapet,
Chennai 600 015.

3. The District Collector,(Development),
Dharmapuri District.

4. The Project Director cum Member Secretary,
Rural Development Agency,
Dharmapuri, Dharmapuri District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India,



W.P.No.34777 of 2024

to Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.19791/2024/K.3 dated 02.09.2024 and quash the same and directing the 3rd respondent to regularize the services of the petitioner with effect from 24.10.2020 in the cadre of watchman and confer all consequential benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Ms.M.Shajahan,
Special Government Pleader,

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking records relating to an order passed by the 3rd respondent, District Collector (Development), Dharmapuri in the proceedings dated 02.09.2024 and quash the same and direct the said 3rd respondent to regularise the service of the petitioner with effect from 24.10.2020 in the cadre of Watchmen and confer all consequential service and monetary benefits.

2. In the affidavit filed in support of the writ petition, it had been



W.P.No.34777 of 2024

contended that the late father of the petitioner, P.Munusamy, was originally appointed in the revenue Department in the year 1976 through sponsorship from jurisdictional Employment Exchange as a Masalchi. His services were regularised and his probation was also declared in the year 1978. The services of the father were utilised by the Dharmapuri District Development Corporation. When the same was wound up, the District Rural Development Agency was formed and ordered to be set up all over the Country. The father was transferred to the Dharmapuri District Rural Development Agency. However, he was not absorbed into service as an Office Assistant, but the Government had issued G.O.Ms.No.197, Rural Development, dated 27.07.2000, granting power to the District Collector to disburse the salary and other benefits to the erstwhile employees of the Dharmapuri District Development Corporation Limited.

3. The Learned Counsel for the petitioner pointed out that several other employees had been brought into regular service and in this connection, placed reliance on the proceedings, dated 22.04.2003, in Na.Ka.No.630/2003/K1 of the District Collector, Dharmapuri. The father of the petitioner died on 26.04.2004 while in service. The petitioner sought appointment on compassionate



W.P.No.34777 of 2024

grounds. Thereafter, he was appointed as night watchman after filing a writ petition before this Court. The petitioner was appointed as night watchman at Social Economic Development Society by proceedings dated 24.10.2020 of the 3rd respondent. He has been discharging his duty on and from that date. He had given a representation seeking regularisation, but it was rejected. It was rejected since it was contended that the father was not brought into regular service and therefore, the petitioner could not be brought into regular service. The said reason, it is straightaway rejected and is set aside.

4. The facts show that the father of the petitioner, P.Munusamy had been initially appointment as an Office Assistant after his name had been sponsored by the District Employment Exchange and he was appointed to Dharmapuri District Development Corporation Limited. His services were later transferred to the Dharmapuri District Rural Development Agency and pay protection was granted to his services. The other employees were regularised but the services of the father was not regularised. The father died while in-service on 26.04.2004. There is no order passed that he should not or could not or must not be regularised. It must therefore be deemed that it should have been regularised.



W.P.No.34777 of 2024

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The petitioner cannot suffer owing to that order not having been passed by the respondents. The petitioner had been appointed as a Watchman after directions issued by this Court in W.P.No.44007 of 2016 by an order dated 03.01.2017. After having appointed the petitioner herein and after extracting the work from him, the respondents have rejected his representation seeking to be regularised. This rejection cannot withstand the scrutiny of the Court. The only ground stated is that the father was not brought into regular service and therefore, the petitioner could be granted that particular benefit or order.

5. The respondents must have evaluated the work discharged by the petitioner independent of the service of the father. They had taken a conscious decision to appoint him as a night watchman. He had been discharging his duty on and from the date when he joined that post. There is no adverse remarks pointed out by the respondents. The respondents cannot exploit the services of the petitioner endlessly. A direction was given by the Hon'ble Supreme Court in the judgment rendered in **2024 0 INSC 1034 (Neutral Citation), Jaggo vs. Union of India and others**, wherein it was held as follows:

“25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face



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W.P.No.34777 of 2024

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” 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*



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W.P.No.34777 of 2024

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 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



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W.P.No.34777 of 2024

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, 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.”



W.P.No.34777 of 2024

WEB COPY

6. The reasoning given above is directly applicable to the petitioner in this case. A direction is given to the respondents to regularise the service of the petitioner and pass appropriate orders protecting his service and monetary benefits on and from the date of his initial employment on 02.09.2024. Necessary orders to be passed within a period of six weeks from the date of receipt of copy of this order.

7. This writ petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.03.2025

Neutral Citation : Yes/No.

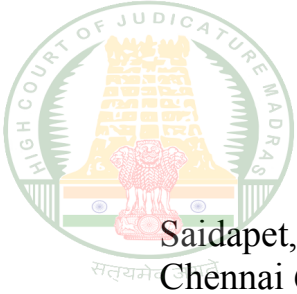
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To,

1. The Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai 600 009.

2. The Director/Commissioner,
Rural Development and Panchayat Raj Department,
Panakal Building,

Page 9 of 11



W.P.No.34777 of 2024

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WEB COPY

3. The District Collector,(Development),
Dharmapuri District.
4. The Project Director cum Member Secretary,
Rural Development Agency,
Dharmapuri, Dharmapuri District.
5. The Government Pleader, High Court, Madras.



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W.P.No.34777 of 2024

C.V.KARTHIKEYAN, J.

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W.P.No.34777 of 2024

24.03.2025

Page 11 of 11