IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.553 of 2023

G.Gowriammal .. Appellant

Vs.

1. The State of Tamil Nadu
   Rep. By its Principal Secretary to Government
   Revenue Department, Fort St. George
   Chennai – 9.

2. The Special Commissioner and Commissioner of
   Urban Land Ceiling and Urban Land Tax
   Chepauk, Chennai – 600 009.

3. The Director
   Urban Land Ceiling and Urban Land Tax
   Chepauk, Chennai – 600 005.

4. The Assistant Commissioner
   Urban Land Tax Department
   Coimbatore.

5. The District Collector
   Coimbatore, Coimbatore District – 18. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.10.2022 in W.P.No.12219 of 2016.

For the Appellant : Mr.G.Mutharasu

For the Respondents : Mr.G.Nanmaran
Special Government Pleader

JUDGMENT

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

This intra-Court appeal has been directed against the order passed by the Writ Court dated 19.10.2022 made in W.P.No.12219 of 2016.

2. The appellant was appointed as a Process Server by the fourth respondent, that is the Assistant Commissioner, Urban Land Tax Department, Coimbatore, on 25.04.1990 and she joined service on 08.05.1990. This appointment was made based on the sponsorship given by the Employment Exchange. At the time of making the appointment, the appellant was appointed only on consolidated pay. She continued in the said service on consolidated pay without any break for several years.

3. Though she continued the said service on consolidated pay and became eligible to be considered for fixing time scale of pay, such gesture has not been shown by the employer towards the appellant. While that being so, at one point of time, that is in the year 2006, the Government has taken a policy decision and issued G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, by which, those who have completed ten years

of service as on 01.01.2006, by way of temporary employee in consolidated pay or daily wage, continuously without any break and such employee, having been completed ten years of service on the said cut off date, would be entitled to get regularization by fixing them with the time scale of pay. This is purely a policy decision taken by the Government for the purpose of regularizing number of such employees who have worked on temporary basis by getting daily wages or consolidated pay.

4. Based on such a policy decision, as has been issued in G.O.Ms.No.22, several thousands of such employees have been regularized. Subsequently, the Government in the year 2013 has come forward to issue a Government Order in G.O.Ms.No.74, Personnel and Administrative Reforms Department, dated 27.06.2013. Under the said Government Order, the benefit that has been accrued to these kind of temporary employees, as has been provided in G.O.Ms.No.22, mainly be taken away and so many restrictions have been put in by the Government.

5. In fact, the said G.O.Ms.No.74 has been challenged before the Writ Court in a batch of writ petitions, where, the Writ Court has set aside the import of G.O.Ms.No.74, especially paragraph 6 of

G.O.Ms.No.74, which has been confirmed by the Division Bench in various decisions. Therefore, the policy decision that has been taken by the Government, as has been reflected in G.O.Ms.No.22 dated 28.02.2006, was held good for all these period, that is upto at least 27.06.2013, the date on which G.O.Ms.No.74 was issued.

6. Be that as it may, insofar as the case of the appellant is concerned, she entered into service in the year 1990, of course on consolidated pay and she completed ten years of service well before the year 2006. Therefore, on 01.01.2006, as per the policy decision of the Government as reflected under G.O.Ms.No.22, the appellant would be very well eligible to be absorbed or regularized with time scale of pay. However, such benefit has not been extended to the appellant. However, the appellant continued in her service till her superannuation, that is on 30.04.2015. On that date, due to superannuation, she retired from service.

7. After retiring from service, once again, the appellant made a request to the Government to consider her case to regularize her service, at least for the purpose of pensionary benefits. This of her request, made through proper channel, that is the Head of the Department, having been considered by the Director of Land Ceiling

and Urban Land Tax Department, the third respondent herein, made a detailed recommendatory communication on 30.11.2012 to the first respondent, where the third respondent has cited the case that has already been similarly placed that of the appellant.

8. According to the said letter of the third respondent dated 30.11.2012, one *P.Murali*, who was appointed in the year 1977 on consolidated pay as Process Server and has subsequently been regularized and after having been regularized, he was given regular promotions as Record Clerk, Junior Assistant, Assistant and ultimately, Superintendent. After having become Superintendent in the year 1998, he worked for thirteen years and retired from service on 30.11.2011. This case has been cited by the third respondent, in fact, in his letter dated 30.11.2012 and made a strong recommendation to the first respondent Government to consider the case of the appellant for regularization and also to extent the benefits.

9. Though this has been taken into account by the Government while considering the case of the appellant, without any plausible reason, the plea of the appellant has been rejected.

10. Though it has been stated in the Government Order, that is G.O.No.(1D) No.11 dated 11.01.2016, which was impugned before the Writ Court, that under G.O.Ms.No.22, those temporary employees who have been working in consolidated pay would not be eligible or entitled to get regularization or fixation of time scale of pay, that reason is not in consonance with the policy decision of the Government and the various decisions of this Court. That apart, even outside the scope of G.O.Ms.No.22, such kind of regularization was made possible and that has been cited by the third respondent in his letter dated 30.11.2012, wherein, if we take up the case of *P.Murali*, who entered into service in the year 1977 in consolidated pay and subsequently been regularized and has been given three or four promotions and ultimately, has become Superintendent and worked for over thirteen years and retired in the year 2011, all these regularization and promotions which were given to the said *P.Murali* was well prior to the date of G.O.Ms.No.22, that is in the year 2006.

11. Therefore, it has become crystal clear that even outside the scope of G.O.Ms.No.22, such regularizations have already been made for similarly placed persons in some Departments and

therefore, that has been quoted as a precedent by the Head of the Department in his recommendatory letter dated 30.11.2012. Even that has been brushed aside by the Government through G.O.No.(1D) No.11 dated 11.01.2016 absolutely without any plausible reason.

12. All these aspects, though have been projected before the learned Writ Court by challenging the said Government Order dated 11.01.2016, the learned Writ Court has not considered all these aspects in proper perspective and the learned Judge has rejected the writ petition through the impugned order, which, in our view, is an erroneous approach and in that view of the matter and because of the factual matrix which we have discussed, since the appellant is very much entitled to get regularization with time scale of pay, at least on completion of ten years of service from the date of appointment, that is in the year 1990 and from that date, she is entitled to get all the service benefits, at least for the pensionary benefits, such a notional service benefits shall be conferred upon the appellant.

13. In that view of the matter, we are inclined to dispose of this writ appeal with the following orders:-

13.1. That the order impugned, passed by the Writ Court, is set aside. As a sequel, the impugned order before the Writ court, that is G.O.No.(1D) No.11 dated 11.01.2016 is also set aside.

13.2. As a result of which, there shall be a direction to the respondents, especially the first respondent State Government to reconsider the request of the appellant and pass necessary orders, regularizing the service of the appellant on completion of ten years of service from the date of initial appointment, which was in the year 1990 and from that date of regularization, the appellant shall be conferred all service benefits notionally.

13.3. It is made clear that since the appellant has not worked in any promotional post, she is not entitled to get any benefits till her superannuation. However, she would be entitled to get corresponding pensionary benefits from the date of her superannuation, which shall be calculated and be paid and continued to be paid, including arrears of pension.

13.4. These directions shall be complied with by the first respondent within a period of three months from the date of receipt of a copy of this order.

14. With these directions, the writ appeal is allowed. There shall be no order as to costs.

(R.S.K., J.) (P.D.B., J)
30.07.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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To:

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The State of Tamil Nadu
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Coimbatore, Coimbatore District – 18.

R. SURESH KUMAR, J.
AND
P. DHANABAL, J.

(drm)

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