



WEB COPY



W.A.No.310 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.310 of 2025

and

C.M.P.No.2441 of 2025

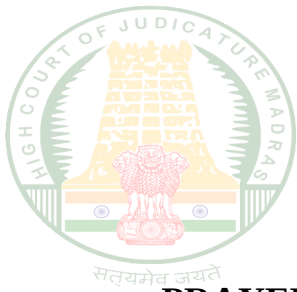
- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Rural Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Director of Rural Development,
Panagal Building,
Saidapet, Chennai - 15.
- 3.The District Collector,
Krishnagiri District.
- 4.The Personal Assistant (Development),
to the District Collector,
Krishnagiri District.

... Appellants

Vs.

- 1.M.Sivappa
- 2.The Block Development Officer,
Veppanapalli Panchayat Union,
Krishnagiri District.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 19.07.2024 made in W.P.No.23823 of 2023 and allow the Writ Appeal.

For Appellants : Mr.P.S.Raman, Advocate General
instructed by Mr.M.Aalgu Goutham,
Government Advocate

For Respondents : Mrs.Dakshayani Reddy, Senior Counsel
for Mr.C.Mahendran for R1
Mr.P.Ananda Kumar,
Government Advocate for R2

J U D G M E N T

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

Challenge in this appeal is to the order of the learned Single Judge directing regularization of the petitioner.

2. One of the main grounds of resistance to the claim of the petitioner was that he was only appointed as a part time Masalchi and therefore, he would not be entitled to the benefits of G.O.Ms.No.74, Personnel and Administrative



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Reforms (F) Department, dated 27.06.2013.

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3. This very issue was concluded by a Full Bench of this Court, to which one of us [Hon'ble Mr.Justice R.Subramanian] was a party, in ***M.Sivappa Vs. The State of Tamil Nadu*** made in ***W.P.No.23823 of 2023*** dated ***26.02.2024***. The Full Bench had ruled that if the post is one that is listed as one of the 86 posts in the Tamil Nadu Basic Services, there cannot be part time employment to the said post. Any part time employee would also be entitled to the benefit of regularization.

4. The issue is covered by the judgment of the Full Bench. However, the learned Advocate General would point out that the writ Court had granted the benefit of regularization from the date of initial appointment, which is contrary to G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, wherein, it is made clear that the benefit of regularization will be available from the date on which the employee completes 10 years of service. Hence, it is made clear that the benefit of regularization will enure to the employee only from the date on which he completes 10 years of temporary/part time service.



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5. This Writ Appeal is disposed of with the above clarification. No costs.

Consequently, the connected miscellaneous petition is closed.

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

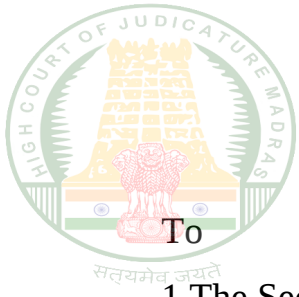
03.03.2025

dsa

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-Speaking order



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To

1.The Secretary,
State of Tamil Nadu,
Finance Department,
Fort St. George, Chennai - 600 009.

2.The Secretary,
Rural Development Department,
Fort St. George, Chennai - 600 009.

3.The Principal Secretary,
Education Department,
Fort St. George, Chennai - 600 009.



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R.SUBRAMANIAN, J.
and
G.ARUL MURUGAN, J.

dsa

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