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W.P.No.39586 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.39586 of 2025

1.P.Subramanian

2.S.Jayakumar

....

Petitioners

Vs

1.The Secretary to Government,
Department of Backward Classes,
Most Backward Classes, and Minorities Welfare,
St.George Fort, Chennai-600 009.

2.The Commissioner,
Department of Backward Classes,
Most Backward Classes and Minorities Welfare,
Ezhilagam, Chepauk,
Chennai-600 005.

4.The District Backward Class Welfare Classes,
District Collector Office,
Villupuram District.

....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in Na.K.No.J3/4223/2020 dated 30.06.2025 and quash the same and consequently direct the respondents to regularize petitioners services with



W.P.No.39586 of 2025

effect from 01.07.1998 and grant them the time scale of pay from the said date as per G.O.(MS) No.67 Backward classes and Most Backward classes welfare Department dated 02.07.1998 with all consequential service and monetary benefits.

For Petitioners : Mr.G.Balamanikandan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 30.06.2025 passed by the third respondent, thereby rejecting the request made by the petitioners seeking regularization of their services with effect from 01.07.1998 and for grant of time scale of pay from the said date, as per G.O.(Ms) No.67, Backward Classes and Most Backward Classes Welfare Department, dated 02.07.1998, with all consequential service and monetary benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners were appointed as Assistant Cooks on a consolidated pay basis in the Welfare Hostels on 23.07.1998 and 27.06.1998 respectively. The first petitioner retired from service on 28.02.2023 as



W.P.No.39586 of 2025

WEB COPY

Warden. The third respondent regularized the service of the second petitioner and granted time scale of pay with effect from 20.09.2007. The services of the first petitioner was regularized and the time scale of pay was granted with effect from 16.04.2007. However, as per G.O.(Ms) No.67, Backward Classes and Most Backward Classes Welfare Department, dated 02.07.1998, they are entitled to the time scale of pay of Rs.2550-3200 from the date of their initial appointment. The said Government order granted the time scale of pay to the Cooks working on a consolidated salary of Rs.500/- per month in the hostels under the control of the Backward Classes and Most Backward Classes Welfare Department as well as the Scheduled Castes and Scheduled Tribes Welfare Department and also enhanced the consolidated salary of the Cook helpers from Rs.100/- to Rs.500/- with effect from 01.07.1998.

4. Pursuant to the said Government order, the Government issued a clarification letter dated 20.10.1999, wherein it was clarified that the said Government order is applicable only to Cooks/Cook helpers, who were appointed on a consolidated salary of Rs.500/- to Rs.100/- respectively, in the Backward Classes and Most Backward Classes Hostels established after



W.P.No.39586 of 2025

WEB COPY

01.07.1998, and functioning under the control of Backward Classes and Most Backward Classes Welfare Department. Therefore, the petitioners submitted representation seeking similar benefits and the same was rejected on the ground that the said Government order is applicable only to those who were appointed on a full time basis. Further, the workers appointed on a consolidated salary in the Government service should have rendered service continuously without any break to be eligible for such benefits.

5. As far as the petitioners are concerned, they were engaged only upto the month of April each year, relieved during May and re-engaged on the reopening day of schools in June. Hence, their engagement was not continuous throughout the year. Therefore, the said Government order is not applicable to the petitioners.

6. On instructions, the learned Special Government Pleader appearing for the respondents submitted that there is no proof to show that the petitioners were appointed on a consolidated salary of Rs.100/- per month. Further, their services were regularized only from the year 2007 and that G.O.No.67, dated 02.07.1998, is not applicable to the petitioners, since their employment was not continuous, but rather interrupted with breaks in



W.P.No.39586 of 2025

service. A similar issue had been considered by the Madurai Bench of this Court in W.P.(MD) No.8830 of 2021, by an order dated 09.08.2024, wherein this Court held as follows :

7.The grievance of the petitioners herein is that, they have been serving as Cooks on consolidated pay for Rs.500/- per month with effect from 01.07.1998 and their claim for regularization of their services with effect from 01.07.1998 came to be rejected on the sole ground that they have been appointed as Cook Helpers with the consolidated pay of Rs. 100/- during the year 1998. However, the lis in hand is no more res integra. This Court in W.P.(MD)No.10241 of 2010 dated 19.03.2017 has dealt with similar case and the relevant portion of which, is extracted as follows:-

“3.The grievance of the petitioners is that they have been serving as cooks on a consolidated pay of Rs.500/- (Rupees Five Hundred only) per month, as on 01.07.1998. They have been denied the benefits of G.O.No.67, dated 02.07.1998. The petitioners were originally appointed on a consolidated pay of Rs.100/- (Rupees Hundred only) on 08.12.1994 and 09.12.1994 respectively. The consolidated pay was increased to Rs.500/- (Rupees Five Hundred only) on 01.07.1998 as



W.P.No.39586 of 2025

WEB COPY

per the Government Order cited above. The operative portion of G.O.No 67 dated 02.07.1998 reads as follows:-

"4. மேலே பத்தி 3-ல் கண்ட முடிவியைப் பிற்படுத்தப்பட்டோர் மற்றும் மிகப்பிற்படுத்தப்பட்டோர் நலத்துறையின் கட்டுப்பாட்டில் இயங்கும் விதிகளில் தற்போது மாநம் ரூ.500/- தொகுப்புதியம் பெறும் சனமயஸ்களை ரூ.2500 - 3200 என்ற சம்பள ஏற்றமுறைக்கு உயர்த்தியும் மேலும் பிற்படுத்தப்பட்டோர் மற்றும் மிகப்பிற்படுத்தப்பட்டோர் நலத்துறை கட்டுப்பாட்டில் இயங்கும் விதிகளில் தற்போது மாநம் ரூ. 100/- தொகுப்புதியம் பெறும் சனமயஸ உதவியாளர்களின் மாத தொகுப்புதியத்தை ரூ.100/-வீதும் ரூ.500/-ஆக உயர்த்தியும் ஆணையிடுகிறது.

5. இவ்வாறான 01.07.1998 முதல் நடைமுறைக்கு வருகிறது.

5.Subsequently a clarification letter has been issued to the Government of 20.10.1999, in paragraph No. 2 of the said letter reads as follows:-

"2 01.07.1998-க்குப் பிறகு மேல்க்கண்ட பிற்படுத்தப்பட்டோர் மற்றும் மிகப்பிற்படுத்தப்பட்டோர் நலத்துறையின் கட்டுப்பாட்டில் இயங்கும் பிற்படுத்தப்பட்டோர் மற்றும் மிகப்பிற்படுத்தப்பட்டோர் விதிகளில் மாத தொகுப்புதியம் ரூ.500/- மற்றும் ரூ.100/- முறையிடு ஒப்பளிப்பு செய்யப்பட்ட சனமயஸ/சனமயஸ உதவியாளர்களுக்கு மேற்கூறப்பட்ட (அ)வாசன (நிலை) எண்.67, பிற்படுத்தப்பட்டோர் மற்றும் மிகப்பிற்படுத்தப்பட்டோர் நலத்துறை, நாள் 02.07.1998 கொடுத்தும் என்றும் அவ்வாறான முடிமுறைக்கு வந்த 4



01.07.1998க்குப் பிறகு துவங்கப்பட்ட விடுதிகளில் சம்பளம் மற்றும் சம்பள உதவியான இடங்களில், ஒரேகனவே இடங்கள் வரும் விடுதிகளில் மேற்படி அரசாணையின்படி மாதம் ரூ.500/- தொகுப்பதில் பெறும் சம்பளம் உதவியாளர்களை. சரியான முதுநிலையின்படி மாதம் ரூ.2550 - 3200 என்ற சம்பளம் ஏற்றமுறை சம்பளம் இத்திட்டம் பின்பற்றி நிபந்திக்கப்படுபவரை மாதம் ரூ.500/- தொகுப்பதில் பெறும் சம்பளம் உதவியாளராக நிபந்தனை செய்யப்படி தெரிவிக்கப் பணிக்கப்பட்டுள்ளது.

6.From the reading of the Government Order as well as clarification letter, it is clear that even persons who were appointed on consolidated pay of Rs.500/- (Rupees five Hundred only) after 01.07.1998 are entitled to the benefits of G.O.No.67 dated 02.07.1998. Even from the impugned order, it is clear that the petitioners were given the consolidated pay of Rs.500/- (Rupees five Hundred only) from 01.07.1998. Therefore they are entitled to the benefits of G.O.No.67 dated 02.07.1998.

7.The first respondent in the impugned G.O.(D).No.16, dated 15.03.2010 has said that the petitioners services were regularised on a time scale of pay depending upon the vacancies that were available in the Kallar Reformation Schools. This apparently has led to the first respondent committing an error. The reading of the G.O.No.67 dated 02.07.1998 shows that the regularisation is not depending upon the availability of the vacancies. The question of availability of vacancy



W.P.No.39586 of 2025

does not arise, since it is an admitted case that the petitioners were infact working as cooks on the date on which the Government Order was to take effect, i.e., on 01.07.1998.

8. Therefore, the premise on which the first respondent has proceeded appears to be incorrect. Since the petitioners were working as cooks on a consolidated pay of Rs.500/- (Rupees five Hundred only) on 01.07.1998, G.O.No.67 automatically applies to them and they are entitled to put on the timescale of pay on the said date. This is also clarified by the letter dated 20.10.1999 wherein Letter No.11084/BC1/98-2 Backward Classes/Most Backward Classes and Minorities Welfare Department. Therefore I am of the considered view that the impugned order of the first respondent cannot be sustained and the same is quashed. Rule Nisi is made absolute.

9. The first respondent is directed to regularise the services of the petitioners with effect from 01.07.1998 with all attendants benefits. The said exercise shall be completed within the period of twelve weeks from the date of receipt of a copy of this order.”

8. As against the said order, the Writ Appeal was preferred in W.A. (MD)No.987 of 2017 and the Hon'ble



W.P.No.39586 of 2025

Division Bench of this Court by its judgment, dated 24.07.2017, dismissed the Appeal preferred by the respondents in the aforesaid Writ Petition. The Review Application in Rev.Aplw.(MD)No.190 of 2017 filed by the Government also came to be dismissed by the Hon'ble Division Bench of this Court on 13.09.2017. In view of the same, there is no justification for the respondents to pass the impugned order denying the petitioners' claim to regularize their services and grant them time scale of pay from 01.07.1998.

7. In view of the above, the order impugned in this writ petition cannot be sustained and is liable to be set aside, since the petitioners were working as Assistant Cooks on consolidated pay of Rs.500/- per month with effect from 01.07.1998. Therefore, the G.O.Ms.No.67, Backward Classes and Most Backward Classes Welfare Department, dated 02.07.1998, is squarely applicable to the case of the petitioners.

8. Hence, the order dated 30.06.2025 passed by the third respondent is hereby set aside. The respondents are directed to regularize the services of the petitioners as Cooks with effect from 01.07.1998 and grant all consequential monetary and service benefits as per the G.O.Ms.No.67, Backward Classes and Most Backward Classes Welfare



W.P.No.39586 of 2025

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Department, dated 02.07.1998, within a period of twelve weeks from the date of receipt of a copy of this order.

9. In the result, this Writ Petition stands allowed. There shall be no order as to costs.

23.10.2025

Neutral citation :Yes/No

Index:Yes/No

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WEB COPY



W.P.No.39586 of 2025

W.P.No.39586 of 2025

23.10.2025