



WEB COPY



W.P. No.46493 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2025

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.46493 of 2025

P.Rosy

Petitioner

Vs

1. The Principal Secretary to Government,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai 600 009.

2.The Director of Town Panchayats,
7th & 8th Floor, Urban Administrative Office
RA Puram,
Chennai 600 028.

3.The Director of Municipal Administration,
10th & 11th Floor,
Urban Administrative Office Campus,
RA Puram,
Chennai 600 028.

4.The Commissioner,
Mangadu Municipality,
No.5, Vaikunda Perumal Koil Street,
Mangadu, Chennai 600 122.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 22.05.2025 in Letter (efile)No.1918/



W.P. No.46493 of 2025

Pan.1/2025-2 passed by the 1st respondent and the consequential letter dated 23.07.2025 in Na.Ka.No.14482/2024/A5 issued by the 2nd respondent and quash the same and further direct the respondents to regularize the petitioner's service from the date of appointment in the 4th respondent.

For petitioner : Mr. J. Rajmohan
For respondents : Mr.C.Selvaraj
Addl. Govt. Pleader for R1 to R3
Dr.T. Seenivasan,
Spl. Govt. Pleader for R4

ORDER

The present writ petition has been filed challenging the impugned order dated 22.05.2025 passed by the 1st respondent rejecting the request of the petitioner for regularisation of service, and the consequential order dated 23.07.2025 passed by the 2nd respondent.

2. It is stated that the petitioner, having completed M.A. in Historical Studies, Diploma in Computer Application, and Typewriting in English and Tamil. Pursuant to a policy decision of the 2nd respondent dated 12.03.2004 to computerise Panchayat offices, she was appointed as a Data Entry Operator on 01.10.2004 in the 4th respondent – Mangadu Town Panchayat. Since then, the petitioner has been continuously working without break for more than 21 years.

3. While so, the 2nd respondent has forwarded a proposal to the 1st respondent recommending that the post of Data Entry Operator be brought



W.P. No.46493 of 2025

under time scale of pay and that the persons working in the said post, including the petitioner, be absorbed. A reminder along with additional particulars was also sent on 30.03.2017. Subsequently, the Association of Data Entry Operators submitted a representation dated 14.12.2017 seeking regularisation.

4. In the year 2021, the 4th respondent Town Panchayat was upgraded as a Second Grade Municipality. Thereafter, she submitted a representation dated 04.01.2023 seeking absorption/regularisation. It is further stated that earlier, this Court, in W.P. No.29314 of 2024 dated 14.10.2024, directed the respondents to consider the petitioner and other similarly placed persons request based on the recommendation of the 2nd respondent dated 19.01.2017.

5. When that being so, the 1st respondent, by order dated 22.05.2025, rejected the petitioner's request for regularisation, which was followed by the consequential order dated 23.07.2025. Aggrieved by the said orders, the present writ petition has been filed

6. Learned counsel for the petitioner submitted that the petitioner has been continuously working as a Data Entry Operator from 01.10.2004 till date, i.e., for more than 21 years. He further submitted that despite long and continuous service and recommending absorption, and therefore, the subsequent rejection by the 1st respondent is arbitrary and impermissible. He strongly argued that that non-consideration of the recommendation and passing of the



impugned rejection order defeats the very purpose of the policy decision and violates Articles 14 and 16 of the Constitution of India. Hence, he prays for appropriate orders.

7. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner was appointed only as a contract employee, and her contract has been periodically extended from time to time. The petitioner was not appointed by following the rules of recruitment, reservation policy, or through any selection process as contemplated under the service rules. He further submitted that the Director of Panchayats has forwarded proposals relating to Data Entry Operators working in about 528 Panchayats seeking time scale of pay, but the same is still pending consideration before the 1st respondent. Until a policy decision is taken by the 1st respondent, the claim of the petitioner cannot be considered individually. In view of the above, he prayed for dismissal of this writ petition.

8. This Court has carefully considered the rival submissions and perused the materials placed on record.

9. Admittedly, the petitioner was appointed as a Data Entry Operator on contract basis, and her appointment was not made through any regular recruitment process or by following the rules of reservation. It is well settled that regularisation cannot be claimed as a matter of right, particularly when the



W.P. No.46493 of 2025

initial appointment itself is contractual and outside the scope of the recruitment rules. Though it is admitted that some recommendations seeking to bring Data Entry Operators under time scale of pay was made, the fact remains that the 1st respondent has not yet taken a final policy decision on the said proposal. Until such a decision is taken, this Court cannot issue a positive direction with regard to absorption or regularisation. Further, it is noted that contract employees cannot seek regularisation in the absence of a statutory framework, though this Courts feels a sympathetic consideration on the petitioner for such a long duration of service, nearly more than two decades.

10. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to make an appropriate application/representation after a final decision is taken by the 1st respondent on the proposal earlier forwarded by the respondents. If such an application is made, the respondents shall consider the same in accordance with law. No costs.

02.12.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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WEB COPY



W.P. No.46493 of 2025

M. DHANDAPANI, J.

vsi2

To

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