



W.P.Nos.31729 & 31733 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 29.04.2025

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.31729 & 31733 of 2018

Tmt.S.Kalaimani ... Petitioner in W.P.No.31729 of 2018

Tmt.S.Tamilmani ... Petitioner in W.P.No.31733 of 2018

Vs.

1.Government of Tamil Nadu,
Rep. by its Secretary,
Backward Classes, Most Backward Class &
Minorities Welfare Department,
Chennai 600 009.

2.The Commissioner / Director,
Backward Classes & Minority Welfare Department,
Ezhilagam, Chepauk,
Chennai District 600 005.

3.The District Backward and Minorities Welfare Officer,
Perambalur Collector Office,
Perambalur District.

... Respondents in W.P.No.31729 of 2018

1.Government of Tamil Nadu,
Rep. by its Secretary,
Backward and Most Backward Class Department,
Chennai 600 009.



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2.The Director,
Backward & Most Backward Class Department,
Ezhilagam, Chepauk,
Chennai District 600 005.

3.The District Backward and Most Backward Class Officer,
Perambalur Collector Office,
Perambalur District.

... Respondents in W.P.No.31733 of 2018

Prayer in both W.Ps : Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the third respondent in Na.Ka.Pa.10554/2017 dated 29.05.2018 and quash the same and direct the respondents to regularize the service of the petitioners from the date of initial appointment i.e., 21.01.1992 & 08.06.1998 respectively in the third respondent Department and give all consequential benefits including monetary benefits.

In both W.Ps.

For Petitioners : Mr.P.Ganesan
For Respondents : Mr.T.Chezhiyan, AGP

COMMON ORDER

These Writ Petitions have been filed challenging the impugned order in Na.Ka.Pa.10554/2017 dated 29.05.2018 and for a consequential direction to regularize the service of the petitioners from the date of their initial appointment.



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2. Heard Mr.P.Ganesan, learned counsel for the petitioners, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents in both Writ Petitions and perused the materials available on record.

3. The petitioners were sponsored through Employment Exchange for appointment to the post of Assistant Cook at the Government Girls Hostel and they were appointed on 21.01.1992 & 08.06.1998 respectively. The petitioners were paid with the consolidated pay and thereafter, the first respondent had taken a policy to bring all those who were working in the Government Girls Hostel to time scale of pay and to regularize their service from the date of appointment. The petitioners have continuous service from the year 1992 and 1998 respectively and the petitioners were brought to time scale of pay in the year 2002.

4. The petitioners claim that their services ought to have been regularised from the date of their initial appointment (i.e.) from



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21.01.1992 & 08.06.1998. Similarly placed persons have got the favourable orders on the basis of the directions of this Court in W.P.No.14514 of 2006 dated 05.08.2009. The petitioners have not been regularised from the date of their initial appointment and hence they had given representations and those were not considered. So, the petitioners filed Writ Petitions in W.P.Nos.5082 & 5083 of 2018 for seeking a Writ of Mandamus. Later, a direction has been given in the said Writ Petitions to consider the representations of the petitioners and pass orders. Consequent to the said order, the petitioners' representations were considered, but rejected.

5. In the impugned order, it is stated that the regularisation has been given as and when the regular vacancy arose and hence, the petitioners' request for regularisation from the date of their initial appointment cannot be considered. The attention of this Court was drawn to the proceedings of the third respondent dated 29.07.2010 to show that the similarly placed persons have been regularised from the date of their initial appointment.



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6. The learned Additional Government Pleader for the respondents

submitted that as per the Government Order in G.O.Ms.No.85 dated 20.09.2017, 420 Assistant Cook posts have been regularised from the date of the issuance of the order (i.e.,) 20.09.2017 and hence, there is no violation of Article 14 of the Constitution of India.

7. In fact, the petitioners' services have been regularised in the year 2002 itself with effect from the date of joining in the sanctioned post in the time scale of pay. As the petitioners claim parity along with the persons involved in the proceedings dated 29.07.2010 whose services have been regularised from the date of their initial appointment, I feel it is appropriate to state reasons as to why the petitioners should be treated differently from that of the persons involved in the said proceedings.

8. In fact, some of the petitioners have filed W.P.No.14514 of 2016 for seeking regular time scale of pay from the year 2001 by claiming that they have been appointed only on the time scale of pay. But, the petitioners have stated that they have been appointed on consolidated



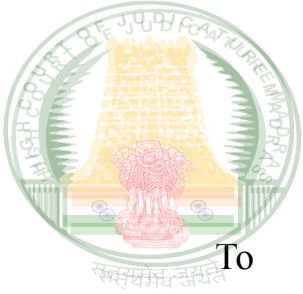
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pay. However, the impugned order does not speak about the nature of the initial appointment and why the petitioners cannot claim parity. As the petitioners claim that they have been appointed only at regular vacancy but on consolidated pay, it is appropriate for the respondents to consider the nature of the initial appointment of the petitioners and the vacancy against which they have been appointed and pass orders afresh with regard to the relief sought by the petitioners.

9. In the view of the above stated reasons, **these Writ Petitions are disposed** and the impugned proceedings in Na.Ka.Pa.10554/2017 dated 29.05.2018 is set aside and the matter is remitted back to the respondents to pass a fresh order by discussing the points raised by the petitioners in these Writ Petitions. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To

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R.N.MANJULA, J.

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