



Review Application(MD)No.246 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HONOURABLE MS. JUSTICE R.POORNIMA

Review APLC(MD)No.246 of 2025

1.The Government of Tamil Nadu,
Rep.by its Principal Secretary,
Revenue Department,
St.George Fort,
Chennai – 600 009.

2.The Commissioner of Revenue Administration,
Chepauk, Chennai – 600 005.

3. The District Collector,
Kanniyakumari District,
Kanniyakumari

...Review Petitioners/Respondents 1 to 3

Vs.

R.Saravanan

...Respondent/Appellant

Prayer:- This review application is filed under Order 47 Rule 1 & 2 r/w Section 114 of CPC to review the order dated 17.10.2024 passed in WA(MD)No.881 of 2019 passed by this Court.



Review Application(MD)No.246 of 2025

For Review Petitioner

: Mr.S.R.A.Ramachandran

Additional Government Pleader

For Respondent

: Mr.R.Subramanian

for Mr.M.Saravanan

ORDER

(Order of the court was made by C.V.KARTHIKEYAN., J)

Aggrieved by the order dated 17.10.2024 passed in WA(MD)No.881 of 2019, this review application has been filed by the respondents therein/ State seeking re-visitation of the said order.

2. By the said order, the Writ Appeal was allowed and the order of the learned single Judge was set aside. By that order, the respondents were directed to pass necessary orders directing to bring the petitioner's service into regular service and pay the emoluments as are required to be paid from the date on which the petitioner was brought into regular service namely, 10.05.2009. Time limit has been stipulated with respect to the execution of the said direction.



WEB COPY

3. The learned Additional Government Pleader appearing for the State while arguing this Review Application stated that while passing the order in the Writ Appeal, this Court had not taken into consideration the correct impact of G.O.(Ms.)No.74, Personnel and Administrative Reforms (F) Department dated 27.06.2013. It had been contended that this Court had taken note of G.O.(Ms.)No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, which according to the learned Additional Government Pleader had been superseded by the Government Order issued in G.O.(Ms.)No.74, Personnel and Administrative Reforms(F) Department dated 27.06.2013 and therefore, it was contended that the order in the Writ Appeal should be re-examined by this Court.

4. Mr.R.Subramanian, learned counsel for the respondent in the review application/appellant however contended that G.O.(Ms.)No.74, Personnel and Administrative Reforms(F) Department dated 27.06.2013 had been examined by a Full Bench of this Court, in view of conflicting judgments and there were two views namely, whether it operates prospectively or retrospectively and whether there could be two distinct classes of employees, those who had been appointed through employment exchange and the other, who had not been so recommended by the



employment exchange. The learned counsel for the respondent pointed out that finally the Full Bench had held as follows in paragraph Nos.37 and 38:

"37. We are of the considered opinion that wherever the posts are permanent in nature and they come within 86 categories of posts which form the Tamil Nadu Basic Service, temporary or part-time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularisation dehors the nomenclature that is given to the appointment.

38. In fine, we hold

(a) If it shown that the appointment is made to anyone of the 86 categories of posts enumerated in the Tamil Nadu Basic Service immaterial of the fact that whether such appointment is part-time or full- time, the employee would be entitled to the benefit of regularisation dehors G.O.Ms.No.74 dated 27.06.2013.

(b) If it is shown that the nature of employment is temporary and the requirement will cease to exist after a particular time, like those appointments that are made under various welfare schemes, it will then be open to the Government to engage temporary employees or part- time employees".



5. In the Writ Appeal, we had also examined the impact of the judgment of the Full Bench and had followed the dictum laid therein.

6. The learned Additional Government Pleader appearing on behalf of the review petitioner however submits that the Full Bench stated in paragraph No.37 that those who have been completed 10 years of service as on 28.02.2006 would be entitled for regularization. But however, the final reasoning in the Full Bench had been given in paragraph No.38, wherein it had been stated that benefits of regularization should be extended *dehors* G.O.(Ms.)No.74, Personnel and Administrative Reforms(F) Department dated 27.06.2013. This would imply that regularization should be granted irrespective of the fact whether as on 01.01.2006 the employee had completed 10 years of service or not. The appellant has not completed 10 years of service as on 01.01.2006 and his name was sponsored through employment exchange.

7. It had been contended by Mr.R.Subramanian, learned counsel for the respondent that subsequently yet another Division Bench in WA(MD)No.824 of 2024 (in **T.Arumugam vs. The State rep. By**



Principal Secretary to Government and 5 others) had followed the dictum laid down by the Full Bench in **M.Sivappa vs. The State of Tamil Nadu** reported in **2024(2) CTC 1** and had granted regularization and that order was challenged before the Hon'ble Supreme Court in Special Leave to Appeal (Civil)No.15692 of 2025, wherein after examining the purport of the judgment in **M.Sivappa vs. The State of Tamil Nadu reported in 2024(2) CTC 1**, the Hon'ble Supreme Court has upheld the order directing regularization.

8. It had also been contended that similarly placed employees had been granted benefits of regularization subsequent to the order in the Writ Appeal. It had been further pointed out that the order now sought to be reviewed had also been followed by the learned single Judges of this Court consistently.

9. On examining all the facts, we hold that since the writ appellant was employed in the post of Watchman and that post falls into one of the 86 categories enumerated in the Tamil Nadu Basic Service, that we had correctly applied the dictum of the Full Bench and that the post of the writ



Review Application(MD)No.246 of 2025

appellant should be regularized *dehors* G.O.(Ms.)No.74, Personnel and Administrative Reforms (F) Department dated 27.06.2013. We find no reason to re-visit the order in the writ appeal.

10. In fine, this review application stands dismissed.

(C.V.K., J.)

(R.P., J.)

25.11.2025

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Neutral Citation
CM



WEB COPY



Review Application(MD)No.246 of 2025

**C.V.KARTHIKEYAN, J.
and
R.POORNIMA., J.**

CM

Review APLC(MD)No.246 of 2025

25.11.2025