



1

W.A.(MD)Nos.615 & 616 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)Nos.615 & 616 of 2022 AND

C.M.P.(MD)Nos.5184 & 5186 of 2022

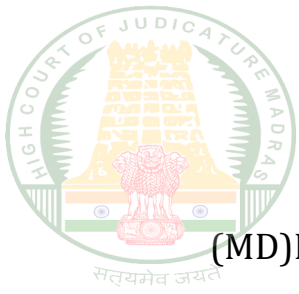
W.A.(MD)No.615 of 2022

1. The State of Tamil Nadu,
Rep. By its Secretary,
Rural Development and Panchayat Raj Department,
Secretariat, Chennai – 600 009.
2. The Commissioner,
Rural Development and Panchayat Raj,
Panagal Building, Saidapet,
Chennai – 600 015.
3. The District Collector,
Tirunelveli District, Tirunelveli.
4. The Commissioner,
Kuruvikulam Panchayat Union,
Kuruvikulam, Sankarankovil Taluk,
Tirunelveli District. ... Appellants / Respondents

Vs.

M.Muthupandi ... Respondent / Writ petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to
allow the writ appeal by setting aside the order passed in W.P.



2

W.A.(MD)Nos.615 & 616 OF 2022

(MD)No.15783 of 2015 dated 22.11.2021.

WEB COPY

For Appellants : Mr.A.Kannan,
Additional Government Pleader.

For Respondent : Mr.G.Thalaimutharasu

* * *

W.A.(MD)No.616 of 2022

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Commissioner,
Kuruvikulam Panchayat Union,
Kuruvikulam, Sankarankovil Taluk,
Tirunelveli District. ... Appellants / Respondents

Vs.

1. M.Muthupandi ... 1st Respondent / Writ petitioner
2. C.Mohan ... 2nd Respondent / 3rd Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P. (MD)No.21171 of 2015 dated 22.11.2021.

For Appellants : Mr.A.Kannan,
Additional Government Pleader.

For Respondent : Mr.G.Thalaimutharasu

* * *

**COMMON JUDGMENT**

WEB COPY

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. These writ appeals have been filed by the Government challenging the order dated 22.11.2021 passed by the learned single Judge allowing W.P.(MD)Nos.15783 and 21171 of 2015 filed by the respondent herein.

3. The respondent herein was engaged by the Commissioner, Kuruvikulam Panchayat Union, Sankarankovil Taluk from 20.11.2004 as Jeep Driver on consolidated pay. In November 2014, the Commissioner, Kuruvikulam Panchayat Union submitted a proposal to the District Collector for regularising his services on the ground that he had completed ten years. The District Collector appears to have verified the records and come to the conclusion that the writ petitioner had not put in ten years of service. Thereupon, the Panchayat Union issued advertisement calling for applications from eligible persons for the post of Jeep Driver. Challenging the said recruitment notification dated 02.06.2015 as well as seeking the



relief of regularisation, W.P.(MD)Nos.15783 and 21171 of 2015 were filed. The learned single Judge allowed the writ petitions in the following terms:-

“9. It is seen that the petitioner was engaged as Jeep Driver in the 3rd respondent Panchayat Union and the respondents have not denied the said fact. But the respondent claims that the petitioner was engaged under daily wages and utilized the service as and when necessary, no appointment order was issued. The respondents being a responsible government authorities cannot take such a plea, since placing an employee under daily wages / consolidated pay / NMR is within the domain of the respondents and petitioner has not say in such issues. Moreover inspite of so many government orders and other instructions there are recruitment without following the prescribed rules. After allowing the recruited persons to continue to service for few years, the officials are quoting so many government orders denying to regularize the service. This Court cannot allow such appointments to happen endlessly and also cannot close the eyes after seeing the plight of such appointees.

10. The respondents are taking a plea that the government has issued G.O. Ms. No. 267 Rural



WEB COPY



Development (E7) Department dated 22.12.1999 wherein it is stated that in future no appointments should be made under contingencies, consolidated pay or on daily wages in Panchayat Union and therefore, the petitioner cannot be reappointed. Even though there is a strict instruction to stop this kind of recruitment under G.O. 267 which was passed as early as 1999, but the 3rd respondent has appointed the petitioner in the year 2004. Therefore, this court is directing the appropriate officer to take action against the erring officer, who had appointed the petitioner.

11. The respondents submitted that the petitioner has not completed 10 years of service in order to consider for regularization. But the petitioner has produced records to show that his service was utilized nearly for 10 years and it is the claim of the petitioner that his service was utilized daily, as well as during elections etc., and infact the petitioner had overworked. It is seen that the District Collector has forwarded the petitioner's name along with two more persons, stating that the petitioner is working in 3rd respondent Panchayat Union vide Letter dated 06.02.2013. It is also seen from the records that the Block Development Officer has forwarded the petitioner's name stating that he



WEB COPY



is working as daily wages in the Panchayat Union vide letter, dated 27.10.2014. The petitioner was issued identity card by the “Government of Tamil Nadu, Department of Rural Development”. The Commissioner of the Panchayat Union has issued experience certificate, dated 15.06.2015 which indicates that the petitioner is working from 2005 onwards until 2015. The above stated documents would prove that the petitioner is working in the Panchayat Union for nearly 10 years. Therefore, this Court holds that the petitioner is eligible to be considered for regularization.

12. The respondents submitted that the petitioner shall participate in the recruitment process and but the petitioner had chosen not to apply. For this plea the petitioner submitted that the respondents had called for names from the Schedule Caste (Aruthathiyar) community, but the petitioner belong to Schedule Caste and therefore, the petitioner could not apply and expressed his difficulty to participate in the recruitment process.

13. For the discussions and reasons stated above, this Court passes the following order:

- The impugned advertisement passed in Na. Ka. No. A1 / 326 / 2015, dated 02.06.2015 is quashed.



WEB COPY



- This Court holds that the petitioner has served for more than 10 years and is eligible to regular the service.
- The respondents are directed to regularize the petitioner's service and pay the consequential service and monetary benefits.
- The petitioner shall be entitled to 50% monetary benefits for the period when he was out of service.
- The respondents shall grant regularization within four weeks from the date of receipt of a copy of the order.
- The appropriate authority shall take action against the erring officer who had appointed the petitioner without following the recruitment rules."

4. Aggrieved by the same, this writ appeal came to be filed.

5. The learned Additional Government Pleader appearing for the appellants strongly contended that the records verified by the District Collector, Tirunelveli shows that the writ petitioner had not put in ten years of continuous service and that is why, he was disengaged. The panchayat union went for public recruitment.



WEB COPY

6. The writ petitioner belongs to SC category. Admittedly, he worked in the Panchayat Union since 2004. The experience certificate issued by the Commissioner of Panchayat Union clearly states that he had put in ten years service. Even if we assume that this figure is not factually accurate or correct, the fact remains that the writ petitioner had served in the Panchayat Union for a number of years. The Hon'ble Supreme Court in ***Dharam Singh V. State of U.P. (2025 INSC 998)*** had held as follows:-

“ 8. ... While creation of posts is primarily an executive function, the refusal to sanction posts cannot be immune from judicial scrutiny for arbitrariness. We believe that a non-speaking rejection on a generic plea of “financial constraints”, ignoring functional necessity and the employer’s own long-standing reliance on daily wagers to discharge regular duties, does not meet the standard of reasonableness expected of a model public institution.

...

17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market



WEB COPY



participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

...

20. We have framed these directions comprehensively because, case after case, orders of this Court in such matters have been met with fresh technicalities, rolling “reconsiderations,” and administrative drift which further prolongs the insecurity for those who have already laboured for years on daily wages. Therefore, we have learned that Justice in such cases cannot rest on simpliciter directions, but it demands imposition of clear duties, fixed timelines, and verifiable compliance. As a constitutional employer, the State is held to a higher standard and therefore it must organise its perennial



WEB COPY



workers on a sanctioned footing, create a budget for lawful engagement, and implement judicial directions in letter and spirit. Delay to follow these obligations is not mere negligence but rather it is a conscious method of denial that erodes livelihoods and dignity for these workers. The operative scheme we have set here comprising of creation of supernumerary posts, full regularization, subsequent financial benefits, and a sworn affidavit of compliance, is therefore a pathway designed to convert rights into outcomes and to reaffirm that fairness in engagement and transparency in administration are not matters of grace, but obligations under Articles 14, 16 and 21 of the Constitution of India.”

7. It is not the case of the authority that the writ petitioner was guilty of misconduct. In these circumstances, the learned single Judge passed an equitable order and interference with the said order is not warranted. The writ petitioner through his counsel states that he will be satisfied if he is made as regular employee from today(25.08.2025) and that he would not claim backwages. The backwages are denied.



WEB COPY 8. With the aforesaid modification, these writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
25th August 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



WEB COPY



12

W.A.(MD)Nos.615 & 616 OF 2022

G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

PMU

W.A.(MD)No.615 of 2022

25.08.2025