



W.P.(MD)No.6205 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.6205 of 2021

G.M.Gladwin

... Petitioner

Vs.

The Commissioner,
Tuticorin City Municipal Corporation,
Tuticorin,
Tuticorin District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the respondent corporation in E2.21489/89 dated 25/05/2006 (in so far as regularization the appointment of the petitioner as wiremen w.e.f.,25/05/2006) and the proceedings of the respondent corporation in E2/12947/2009 dated 02/03/2021 and quash the same, and further direct the respondent Corporation herein to regularize forthwith the appointment of the petitioner as Wireman in respondent Corporation w.e.f. 01/04/1993 i.e., as per the award passed by the Labour Court, Tirunelveli in ID No.146/1995 dated 15/12/2003 and grant all monetary benefits and attendant benefits with effect from 01.04.1993.



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For Petitioner : Mr.T.Cibi Chakraborty

For Respondent : Mr.N.Anandhakumar,
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned order dated 25.05.2006, regularizing the service of the petitioner only with effect from 25.05.2006, though the petitioner claims that he ought to have been regularized from 01.04.1993, being the date on which the Labour Court had passed an award in his favour.

2. The following are the undisputed facts:

(a). Under the impugned order dated 25.05.2006, the petitioner has been regularized into service with effect from 25.05.2006.

(b). The petitioner did not choose to challenge the impugned order dated 25.05.2006 immediately thereafter.

(c). The petitioner, for the first time, approached this Court by filing a writ petition not challenging the impugned order, but only seeking for mandamus to rectify the date of regularization as directed by the Labour Court in its award passed in the petitioner's favour.



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3. The aforesaid writ petition, namely, W.P.(MD).No.6813 of 2009, came to be dismissed as withdrawn on a request made by the petitioner by the order of this Court dated 08.01.2018. In the said writ petition, when the matter was dismissed as withdrawn, the petitioner did not choose to seek any liberty for challenging the impugned order dated 25.05.2006 regularizing the service of the petitioner with effect from 25.05.2006. On a prima facie consideration, this Court finds that the order passed by this Court dated 08.01.2018 seems to be an unconditional withdrawal.

4. The petitioner once again filed another writ petition before this Court in W.P.(MD).No.25417 of 2019, seeking for the very same relief that was sought for in the earlier writ petition in W.P.(MD).No.6813 of 2009, which was dismissed as withdrawn based on the request made by the petitioner. Even in this subsequent petition, the petitioner once again did not choose to challenge the impugned order dated 25.05.2006 regularizing the service of the petitioner with effect from 25.05.2006, though the petitioner claimed that he ought to have been regularized from 01.04.1993. By an order dated 29.11.2019 passed in W.P.(MD).No.25417 of 2019, this Court directed the respondents to consider the petitioner's representation dated 23.10.2019 seeking to regularize the service



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of the petitioner with effect from 01.04.1993 on merits and in accordance with law.

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5. Pursuant to the aforesaid directions issued by this Court, the impugned order dated 02.03.2021 came to be passed rejecting the petitioner's representation on the ground that the petitioner is not entitled to be regularized from 01.04.1993, since the petitioner has accepted the impugned regularization order and he is continuing to work in service without challenging the same and has also retired from service for long number of years back.

6. As seen from the undisputed facts, it is clear that the petitioner has not challenged the impugned regularization order dated 25.05.2006 regularizing his service with effect from 25.05.2006, though the petitioner claims that he ought to have been regularized with effect from 01.04.1993 at the first instance i.e immediately after the receipt of the impugned regularization order. Only in the year 2009, though the impugned order is dated 25.05.2006, the petitioner has chosen to file a writ petition before this Court that too only seeking mandamus for modifying his date of regularization as 01.04.1993 instead of 25.05.2006. The said writ petition also came to be dismissed as withdrawn by orders passed by this Court on 08.01.2018 that too only at the instance of the petitioner. No



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liberty was granted to the petitioner to challenge the impugned regularization order dated 25.05.2006 and the petitioner also did not seek any liberty before this Court to challenge the impugned regularization order dated 25.05.2006. Despite having withdrawn the earlier writ petition filed by the petitioner for mandamus in the year 2009, for reasons best known to the petitioner, he has chosen to file one more writ petition before this Court in the year 2019 in W.P. (MD).No.25417 of 2019 seeking for the very same relief.

7. Since the representation of the petitioner was not considered prior to the filing of W.P.(MD).No.25417 of 2019, this Court had directed the respondents to consider the same on merits and in accordance with law and pass final orders. Only in accordance with the directions issued by this Court in W.P.(MD).No.25417 of 2019, the impugned order dated 02.03.2021 in this writ petition came to be passed by the respondent rejecting the petitioner's request on the ground of inordinate delay and also on the ground that the petitioner is estopped from challenging the impugned regularization order dated 25.05.2006, as he has already accepted the same without challenging the same at the first instance for long number of years from the date of passing of the impugned regularization order. Therefore, it is clear from the conduct of the petitioner that having failed in his attempts to rectify the date of regularization and having



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not challenged the impugned regularization order at the earliest possible time and having approached this Court through back door method, though the petitioner could have very well challenged the impugned regularization order dated 25.05.2006 immediately after coming to know about the same, the present writ petition filed in the year 2021 for a cause of action that arose on 25.05.2006, which is the date of the impugned regularization order is not maintainable that too when the petitioner had voluntarily withdrawn the earlier writ petition filed by him unconditionally without this Court granting liberty to the petitioner to challenge the impugned regularization order dated 25.05.2006.

8. Though the Labour Court may have granted the benefit to the petitioner for the purpose of treating his date of regularization much earlier to the date of regularization fixed under the impugned order, the petitioner ought to have approached this Court at the earliest point of time and the request of the petitioner at this belated stage that too after the lapse of more than 15 years from the date of the impugned regularization order does not arise. The respondents have rightly rejected the petitioner's request under the impugned order.



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9. For the foregoing reasons, this Court does not find any merit in this

writ petition and accordingly, the same stands dismissed. No costs.

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NCC:yes/no

Index:yes/no

Internet:yes/no

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ABDUL QUDDHOSE, J.

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