



W.P.(MD)No.6893 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.6893 of 2021

E.Dhanuskodi

... Petitioner

Vs.

1.The Principal Secretary to Government,
Agriculture Production Commissioner,
Department of Agriculture,
Fort St. George,
Chennai 600 009.

2.The Commissioner,
Directorate of Agricultural Marketing and Agri Business,
Guindy,
Chennai 600 032.

3.The Secretary,
Tirunelveli Market Committee,
Nirubar Colony, Anna Nagar,
Palayamkottai-627 001,
Tirunelveli District.

... Respondents

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 order issued by the third respondent in Letter No.E1/1806/2020, dated 01.03.2021, quash the same and further direct the respondents herein to regularize/place the petitioner's service on regular time scale of pay as Driver from 30.12.2013 onwards with salary and other attendant benefits on par with



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the similarly placed person namely Mr.Ilancheliyan, whose service was regularized in regular time scale pay from 30.12.2013 onwards.

(Prayer amended vide court order dated 25.06.2025 in WMP(MD)No.12546/25 in WP(MD)No.6893/21 by SSAJ)

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.A.Baskaran,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 01.03.2021 passed by the third respondent, rejecting the petitioner's request for regularization of his service as a Driver in the third respondent / Market Committee on the ground that he is not eligible for the same.

2. A counter-affidavit has also been filed by the respondents reiterating the contents of the impugned order.

3. However, the learned counsel appearing for the petitioner, on instructions, would submit that the petitioner still continues to work as a Driver in the third respondent / Market Committee. He would further submit that the petitioner has satisfied all the requirements for being regularized in the service of the third respondent / Market Committee.



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4. However, the learned Additional Government Pleader appearing for the respondents would submit that, since there was a break in service, the petitioner was not eligible to be regularized in service and therefore, the request of the petitioner has been rightly rejected under the impugned order. He would also submit that at the time of filing this writ petition, the petitioner also did not satisfy the requirements that he ought to have completed 10 years in service. However, he would submit on instructions that the petitioner is continuing to work as a Driver in the third respondent / Market Committee even till date on a consolidated pay basis. Therefore, he has not raised any serious objection for this Court to quash the impugned order and remand the matter once again for fresh consideration in the light of the fact that the petitioner continues to work as a Driver even now on a consolidated pay basis in the third respondent / Market Committee.

5. The learned counsel appearing for the petitioner also drew the attention of this Court to the recent decision rendered by the Hon'ble Supreme Court dated 19.08.2025 in the case of ***Dharam Singh and Others Vs. State of Uttar Pradesh and another*** in ***Civil Appeal No.8558 of 2018*** and would submit that the Hon'ble Supreme Court has deprecated the practice of engaging work from employees for a long number of years without regularizing their services.



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6. For the foregoing reasons, in the interest of justice and in view the fact that the petitioner is continuing to work as a Driver in the third respondent / Market Committee even now, this Court deems it fit to quash the impugned order and remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law after giving due consideration to the judgment rendered by the Hon'ble Supreme Court dated 19.08.2025 in the case of ***Dharam Singh and Others Vs. State of Uttar Pradesh and another*** in ***Civil Appeal No.8558 of 2018***.

7. Accordingly, the impugned order dated 01.03.2021 passed by the third respondent is hereby quashed and the matter is remanded back to the very same respondent for fresh consideration on the petitioner's request for regularization after giving due consideration to the ratio laid down by the Hon'ble Supreme Court in its recent decision dated 19.08.2025 rendered in Civil Appeal No.8558 of 2018 in the case of ***Dharam Singh and Others Vs. State of Uttar Pradesh and another***. The third respondent is directed to pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the aforesaid direction, the writ petition is disposed of. No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

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ABDUL QUDDHOSE, J

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