



W.P.(MD)No.7555 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.09.2025

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.7555 of 2021

and

W.M.P.(MD).No.5730 of 2021

R.Veerupommaian

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Municipal Administration and Water Supply,
Secretariat, Chennai 600 009.

2.The Commissioner,
Department of Municipal Administration and Water Supply,
Chepauk, Chennai 05.

3.The Commissioner,
Theni Municipality,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Writ of certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No.1243/2006/C1/dated 03.10.2007 on the file of the third respondent and quash the same as illegal to the extend it provides for regularization since 03.10.2007 and consequently direct the



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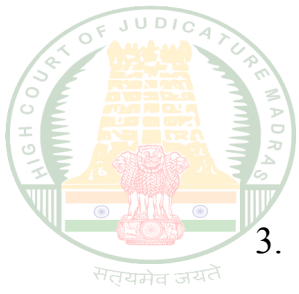
respondents to regularize the petitioner's service from the date their joining in service as NMR on 01.03.1983 and fix the time scale of pay from that period with consequential benefits from 01.03.1983 to 03.10.2007 within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R-1 & R-2	: Mr.SS.Madhavan, Additional Government Pleader
For R-3	: Mr.G.Kaleeswaran

ORDER

This writ petition has been filed challenging the impugned order dated 03.10.2007 regularizing the petitioner's service from 01.04.2007.

2. According to the petitioner, he ought to have been regularized in service from 01.03.1983, when he joined services as an NMR and the third respondent ought to have fixed the time scale of pay of the petitioner from 01.03.1983 instead of 01.04.2007. The petitioner claims that his initial appointment as NMR was on 01.03.1983 and therefore, the regularization order has to come into effect from 01.03.1983 and not from 01.04.2007.



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3. A counter-affidavit has been filed by the respondents rejecting the contents of the petitioner by stating that the petitioner is not eligible to be regularized from 01.03.1983, as claimed by him. Further, the claim of the petitioner is hit by doctrine of laches, since the petitioner has approached this Court after a lapse of 14 years from the date of regularization i.e., by order dated 03.10.2007.

4. The learned counsel drew the attention of this Court to the Full Bench decision of this Court dated 30.05.2017 passed in Review.Aplc.(MD).No.87 of 2014 in the case of ***Secretary to Government, Municipal Administration and Water Supply Department, Fort St.George, Chennai and others Vs. V.Marisamy and others*** reported in ***2017 (3) CTC 673*** and would submit that only after the order passed by the Full Bench, the petitioner was aware that he is entitled to be regularized from the date of his initial appointment and therefore, this writ petition is filed within time. He would also submit that as per the list prepared by the third respondent / Municipality, it is clear that the petitioner has been working as NMR in the third respondent Municipality since 01.03.1983. Therefore, the learned counsel appearing for the petitioner would submit that the petitioner has to be regularized into service from 01.03.1983 itself instead of 01.04.2007 through the order passed by the third respondent dated 03.10.2007.



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WEB COPY 5. On the other hand, the learned Additional Government Pleader appearing for respondent Nos.1 and 2 would submit that the petitioner was not eligible for regularization into service as claimed by him since 01.03.1983 and he became eligible only under the order of the third respondent dated 03.10.2007. He would further submit that the claim of the petitioner has to be rejected on the ground of laches, since the regularization order was passed in favour of the petitioner as early as on 03.10.2007 itself, but the petitioner has chosen to file this writ petition in the year 2021.

6. If the case of the petitioner is entertained by this Court, this Court will open the Pandora's box and similarly placed persons as that of the petitioner may approach this Court seeking for the very same relief as sought for by the petitioner, which will result in unnecessary reopening of litigation. A person, who is deprived of his rights ought to have approached this Court within a reasonable period when the cause of action arises for him to do so. Admittedly, the regularization order was passed in favour of the petitioner as early as on 03.10.2007. Therefore, the cause of action for the relief sought for by the petitioner arose immediately on 03.10.2007. Instead the petitioner has approached this Court by filing this writ petition in the year 2021. Though the



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petitioner may contend that only after the Full Bench decision rendered by this Court in the Review.Aplc.(MD).No.87 of 2014 in the case of ***Secretary to Government, Municipal Administration and Water Supply Department, Fort St.George, Chennai and others Vs. V.Marisamy and others*** reported in 2017 (3) CTC 673, the petitioner was aware of his rights that his service can be regularized from the date of his initial appointment, this Court has to reject the said contention since the petitioner was admittedly not a party to the proceedings before the Full Bench of this Court in the Review.Aplc.(MD).No. 87 of 2014, a decision rendered on 30.05.2017. The petitioner claims the benefit of the Full Bench decision referred supra, for the purpose of seeking relief that is sought for in this writ petition. If the petitioner was really interested in the relief sought for in this writ petition, he ought to have filed the writ petition at the earliest point of time and should have been a party to the decision of the Full Bench dated 30.05.2017.

7. Since the petitioner is not a party to the Full Bench decision of this Court in Review Application (MD).No.87 of 2014 dated 30.05.2017, this Court at this belated stage after lapse of more than 14 years, from the date when his services were regularized, by the order of the third respondent dated 03.10.2007, the question of entertaining this writ petition does not arise as it



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will open the pandora's box resulting in unnecessary litigation. The respondents have also contended that the petitioner is not eligible to be regularized in service from the date of his initial appointment i.e., 01.03.1983. This Court has also taken note of the said contention raised by the respondents. However, this Court has rejected the writ petition mainly on the ground of laches, without considering the contention of the respondents that the petitioner was not eligible for regularization in service from the date of his initial appointment on merits.

8. Therefore, on the ground of laches, this writ petition is not maintainable. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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

To

1.The Principal Secretary,
State of Tamil Nadu,
Department of Municipal Administration and Water Supply,
Secretariat, Chennai 600 009.

2.The Commissioner,

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Department of Municipal Administration and Water Supply,
Chepauk, Chennai 05.

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ABDUL QUDDHOSE, J.

TSG

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