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W.A.(MD)NO.742 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.742 of 2020

P.Venkatachalam

... Appellant / Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary, Agriculture Department,
Secretariat, Chennai – 600 009.
2. The Director of Agriculture,
Chepauk, Chennai – 600 005.
3. The Joint Director of Agriculture,
(Training and Visit), Nagercoil,
Kanyakumari District. ... Respondents / Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.14858 of 2014 dated 27.06.2019 on the file of this Court and allow the above writ appeal.

For Appellant : Ms.J.Padmavathi Devi

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

J U D G M E N T

The unsuccessful writ petitioner is the appellant before us. He



joined the Department of Agriculture as Watchman on 27.02.1984 as

a daily wager. Following the issuance of G.O.Ms.No.399 Agriculture Department dated 22.12.2006, the appellant's name was also proposed to be sponsored for regularisation. Since the appellant had already reached the age of superannuation on 28.02.2006 itself, the proposal was not sent. It is in this background, the appellant represented to the Government seeking regularisation in terms of the aforesaid Government Order. But his request was rejected. Challenging the same W.P.(MD)No.14858 of 2014 was filed. The learned single Judge dismissed the writ petition vide order dated 27.06.2019. Assailing the said order, this writ appeal has been filed.

2. The learned counsel appearing for the appellant pointed out that G.O.Ms.No.399 Agriculture Department dated 22.12.2006 envisages regularisation of those who are working on daily wages and who have put in more than five years of service. The appellant had served the department from 1984 till 28.02.2006. She pointed out that it was fortuitous that he reached the age of superannuation on 28.02.2006. Otherwise he also would have been regularised. Though the learned counsel's contentions are appealing, the facts on hand cannot be lost sight of. As rightly pointed out by the learned



Additional Government Pleader, the appellant though joined in the year 1984, he was proposed to be terminated in the year 1986 itself.

He thereupon filed W.P.No.10149 of 1997 and obtained an interim order in W.M.P.No.14871 of 1987 on 20.10.1987. The writ petition was later transferred to the Tribunal and renumbered as T.A.No.4 of 1993. Only by virtue of the interim order granted by this Court, the appellant continued to remain in service till 2006.

3. It is well settled that litigious service cannot be taken into account for the purpose of granting regularisation. Therefore on this ground, the appellant has to fail. Secondly, regularisation can be granted only in favour of the persons who are still in service and it cannot be granted to those who had already left the employment. On these twin grounds, we sustain the order of the learned single Judge. This writ appeal stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
26th August 2025

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

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To:

1. The Secretary,
Agriculture Department,
Secretariat, Chennai – 600 009.
2. The Director of Agriculture,
Chepauk,
Chennai – 600 005.
3. The Joint Director of Agriculture,
(Training and Visit), Nagercoil,
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