



W.A.(MD)Nos.5 and 6 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A(MD)Nos.5 and 6 of 2021
and
C.M.P.(MD)Nos.30, 35 and 38 of 2021**

W.A.(MD)No.5 of 2021

1.The Director,
Rural Development Department,
Chepauk, Chennai-5.

2.The District Collector,
Karur District, Karur.

3.The Block Development Officer,
Kadavoor, Dharamgampatti,
Kaur District.

... Appellants

Vs.

A.Palaniammal

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.14590 of 2014 dated 17.12.2019 on the file of this Court.



W.A.(MD)Nos.5 and 6 2021

For Appellants : Mr.M.Sidharthan,
Addl. Government Pleader.

For Respondent : Mr.V.Panneer Selvam

W.A.(MD)No.6 of 2021

1.The Director,
Rural Development Department,
Chepauk, Chennai-5.

2.The District Collector,
Karur District, Karur.

3.The Block Development Officer,
Kadavoor, Dharamgampatti,
Kaur District.

... Appellants

Vs.

A.Palaniammal

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.18639 of 2014 dated 17.12.2019 on the file of this Court.

For Appellants : Mr.M.Sidharthan,
Addl. Government Pleader.

For Respondent : Mr.V.Panneer Selvam



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W.A.(MD)Nos.5 and 6 2021

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The State is on appeal challenging the common order dated 17.12.2019 made in W.P.(MD)Nos.14590 and 18639 of 2014 filed by the respondent herein.

3.Palaniammal's husband namely, Arumugam was working as Office Assistant in Kadavoor Siddha Hospital. He passed away while in service. Palaniammal was granted compassionate appointment as Sweeper pursuant to the resolution passed by Kadavoor Panchayat Union on 31.03.1984. She joined service on 20.04.1984. Her services were regularized in the year 2001. She retired from service in the year 2014. She filed writ petitions contending that her services must be regularized from the date of her original appointment ie., 20.04.1984. The learned Single Judge vide common order dated 17.12.2019 found merit in the said contention and allowed W.P.(MD)No.14590 of 2014 and closed W.P.(MD)No.18639 of 2014. Challenging the same, these writ appeals have been filed.

3/8



W.A.(MD)Nos.5 and 6 2021

4. We notice that the learned Single Judge chose to follow the order dated 08.08.2007 made in W.P.(MD)No.3436 of 2004. It was held therein that even though a person was working on contingent basis if for a very long period (in that case 26 years) work had been extracted, it must be presumed that there was need for a regular post and that therefore, service of such person must be regularized from the date of original appointment.

5. We may not be in a position to fully endorse the said proposition. It will depend on the facts of each case. This is because the Writ Court cannot compel the employer to create a new post. But in the case on hand, the petitioner had been serving as Sweeper right from 1984. She retired from service in the year 2014. As rightly pointed out by the learned counsel for the writ petitioner, any establishment will require a post of Sweeper. It is not the case of the employer that the writ petitioner was only discharging part-time duty. Since the petitioner had been discharging her duty on a full-time basis and that too for more than 30 years, it is only just and proper that her service has to be regularized from day one onwards. At the same time, we cannot lose sight of the fact that



W.A.(MD)Nos.5 and 6 2021

the writ petitioner chose to institute the writ petition only after she retired from service. When the writ petitioner was regularized in the year 2001, she did not challenge the order of regularization by claiming that she must be regularized from the year 1984 onwards. She chose to keep quite. In other words, she accepted the order of regularization. It is in this view of the matter, we propose to modify the order of the learned Single Judge. The petitioner will be deemed to have been regularized with effect from 20.04.1984. However, she will not entitled to any backwages. Her pensionary benefits will be reworked and revised by computing her length of service as 30 years. This is order is passed with the consent of the writ petitioner given through her counsel.

6.These writ appeals are partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.K.M. J.)
18.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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5/8



W.A.(MD)Nos.5 and 6 2021

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W.A.(MD)Nos.5 and 6 2021



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W.A.(MD)Nos.5 and 6 2021

G.R.SWAMINATHAN, J.
and
R.KALAIMATHI, J.

ias

W.A.(MD)Nos.5 and 6 of 2021

18.12.2025