



W.A.(MD)Nos.897 & 898 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)Nos.897 & 898 of 2019

W.A(MD)No.897 of 2019:

- 1.G.Gajalakshmi
- 2.G.Sahayasantha Kumari
- 3.J.Ramkumar
- 4.B.Rajasekar
- 5.M.Murali
- 6.J.Saranya
- 7.G.Jayalakshmi
- 8.T.Veeramani
- 9.A.Sulochana
- 10.R.Devi
- 11.R.Gowri
- 12.J.Dayana Mary
- 13.J.Kavitha



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14.G.Balasubramanian
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... Appellants /
Petitioners

Vs.

- 1.The Secretary to the Government,
Municipal Administration and
Water Supply,
(M.C.5) Department,
Fort St.George,
Chennai – 9.
- 2.The State represented by
The Additional Chief Secretary to Government,
Municipal Administration and
Water Supply Department,
Chennai – 9.
- 3.The Commissioner of
Municipal Administration,
Ezhilagam Annex,
Chepauk,
Chennai – 5.
- 4.Tiruchirappalli City Corporation,
Represented by
The Commissioner,
Tiruchirappalli.

... Respondents /
Respondents

L.Muthukumar (Died)

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.08.2019 passed in W.P(MD)No.15295 of 2014 on the file of this Court and allow this Writ Appeal.



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For Appellants : Mr.S.Ramsundarvijayraj
for M/s. Veera Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.3

Mr.K.R.Kishore Ram
Standing Counsel
for R.B.Law Associates for R.4

W.A(MD)No.898 of 2019:

1.W.B.Jebamani

2.N.Kalaiselvi

3.A.Sathish Kumar

... Appellants /
Petitioners

Vs.

1.The Secretary to the Government,
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2.The State represented by
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Chepauk, Chennai – 5.



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4.Tiruchirappalli City Corporation,
Represented by
The Commissioner,
Tiruchirappalli.

... Respondents /
Respondents

5.B.Murugesan

... Respondent /
1st Petitioner

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.08.2019 passed in W.P(MD)No.16131 of 2014 on the file of this Court and allow this Writ Appeal.

For Appellants : Mr.S.Ramsundarvijayraj
for M/s.Veera Associates

For Respondents : Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.3

Mr.K.R.Kishore Ram
Standing Counsel
for R.B.Law Associates for R.4

COMMON JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.These Writ Appeals are directed against the common order dated 06.08.2019 passed by the learned single Judge dismissing W.P(MD)Nos. 15295 of 2014 and 16131 of 2014 filed by the appellants herein. The



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appellants herein were appointed as Data Entry Operators in Tiruchirappalli City Municipal Corporation on various dates in the years 2001-2009. Proposal was submitted by the Commissioner, Tiruchirappalli City Municipal Corporation for regularising their services in the year 2014. The said proposal was rejected by the Government vide G.O(D)No.331 dated 02.09.2014. Challenging the same, the aforementioned writ petitions were filed.

3.The learned single Judge sustained the rejection order passed by the Government and dismissed the writ petitions. The question that calls for consideration is whether the order of the learned single Judge as well as the order impugned in the writ petitions warrant interference.

4.The learned counsel appearing for the appellants submitted that the appellants herein had served the corporation continuously for long number of years and that therefore their services will have to be regularised. He placed heavy reliance on the recent decision of the Hon'ble Supreme Court reported in **2025 SCC OnLine SC 1735 (Dharam Singh & Others vs State of U.P & another)**. He also pointed out that the post of the Data Entry Operator has been recognised by the



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Tamil Nadu Urban Local Bodies Act, 1998 which came into force on

13.14.2023.

5.Per contra, the learned Special Government Pleader appearing for the Government submitted that even though Tamil Nadu Act 09 of 1999 has recognised the post of Data Entry Operator, the said post has not been sanctioned for Tiruchirappalli City Municipal Corporation. He pointed out that the writ petitioners were not sponsored by the Employment Exchange and that they did not come through the proper selection process. He also added that the learned single Judge had rightly non-suited the appellants and that interference with the said well considered decision is not called for.

6.The learned Standing Counsel appearing for the Trichirappalli City Municipal Corporation submitted that the Corporation is not the authority competent to grant relief in such cases and that they have to necessarily sail with the Government.

7.We carefully considered the rival contentions and went through the materials on record.



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8.It is conceded at the very outset that, even as on date, the appellants are very much serving in Trichirappalli City Municipal Corporation as Data Entry Operators. Even the person who was appointed last had put in 16 years of service. The senior most among the appellants had put in 24 years of service.

9.The only reason for rejecting the proposal submitted by the Commissioner of the Trichirappalli City Municipal Corporation was that the post of Data Entry Operator was not included in the Tamil Nadu Municipal General Service Rules or any other special rules for Municipal Corporation services. In that view of the matter, the Government took the stand that there was no possibility of regularising the services of the petitioners in the cadre of Data Entry Operators. The absence of service rules alone was cited as the sole ground for rejection. This ground may no longer be available.

10.The Tamil Nadu Urban Local Bodies Act, 1998 has superseded all the relevant laws pertaining to various Municipal Corporations, including Tiruchirappalli City Municipal Corporation. The statute has created an IT wing for the local bodies. The post of Data Entry Operator



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is figuring as S.No.3 in Table No.5. Thus, the sole ground of rejection no longer survives. It is true that this post has not been specifically sanctioned for Tiruchirappalli City Municipal Corporation. But absence of such sanction cannot come in the way. The Hon'ble Supreme Court in the decision reported in **2025 SCC OnLine SC 221 (Shirpal v. Nagar Nigam, Ghaziabad)** held as follows :

*“14. The Respondent Employer places reliance on **Umadevi** (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, **Uma Devi** itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions. More importantly, **Uma Devi** cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment....*

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade... Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable,



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*particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite “temporary” employment practices as done by a recent judgment of this court in **Jaggo v. Union of India** in the following paragraphs:*

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25.It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While



the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees.”

11.The Hon'ble Supreme Court in the decision reported in **2025 SCC OnLine SC 1735 (Dharam Singh & Others vs State of U.P & another)** has emphasised that the State is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring functions. Where work recurs day after day and year after year, the establishment must reflect the reality in its sanctioned strength and engagement practices. The long term extraction of a regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

12.As the learned Special Government Pleader points out, a person who was appointed under a scheme post cannot claim regularisation. However, where the services of the appointees have been utilised for a period close to a quarter of a century, such appointments cannot be



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characterised as scheme posts. We have now entered the digital age.

Therefore, the services of the petitioners would be perennially required.

The petitioners are engaged not only in uploading legacy records but also engaged in uploading the current data on a continuous basis.

Therefore, even if the petitioners do not meet the requirements set out in the service rules, still relaxation will have to be necessarily provided for them. The rules came into force on 13.04.2023. As the appellants have been working for more than 15 years, we set aside the order of the learned single Judge and direct the respondents to regularise the service of the appellants with effect from 13.04.2023.

13. These Writ Appeals are allowed on these terms. No costs.

[G.R.S., J.] [R.K.M, J.]
15.12.2025
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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Secretary to the Government,
Municipal Administration and
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