



W.A(MD)No.1744 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1744 of 2024
and
C.M.P(MD)No.13348 of 2024**

1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj,
Secretariat,
Chennai.

2.The Director,
Rural Development and Panchayat Raj,
Panagal Building,
Chennai.

3.The District Collector,
Tirunelveli District.

... Appellants/Respondents

vs.

S.Paramasivan

... Respondent/Writ Petitioner



W.A(MD)No.1744 of 2024

WEB COPY

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 05.04.2024 made in W.P(MD)No.6890 of 2024 on the file of this Court.

For Appellants : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by
Mr.J.Ashok
Additional Government Pleader

For Respondent : Mr.M.R.Vijayakumar

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The intra-court appeal has been instituted by the State challenging the writ order dated 05.04.2024 passed in W.P(MD)No.6890 of 2024.

2.The respondent-Mr.S.Paramasivam/writ petitioner was appointed as a Night Watchman on 01.04.1991 in Kattida Maiyam, Thalaiyuthu, Tirunelveli District, through the employment exchange. Thereafter, he was posted at Collectorate, Tirunelveli in the year 1992. He



W.A(MD)No.1744 of 2024

WEB COPY

submitted an application seeking regularization of his services and permanent absorption. The District Collector forwarded the representation to the Director of Rural Development and Panchayat Raj. The said forwarding letter states that the services of the respondent should be regularized on completion of his ten years of service with effect from 01.04.2001. However, there was no further development in the application submitted by the respondent. Thus, the respondent filed a Writ Petition in the year 2014. This Court directed the authorities to consider the proposal and pass final orders. Pursuant to the said direction, the case of the respondent was considered by the authorities and the Government issued G.O.Ms.No.76, Rural Development and Panchayat Raj (E-5) Department dated 01.07.2016, regularizing the services of the respondent from the date of issuance of the order.

3.A perusal of the said Government Order dated 01.07.2016 shows that the Government, in exercise of the powers conferred under Rule 48 of the General Rules of Tamil Nadu State and Subordinate Services



W.A(MD)No.1744 of 2024

WEB COPY

contained in Part-II in Volume-I of the Tamil Nadu Panchayat Union Council Establishment Rules, 1970, Rule 36 A Section 3 (a & b) relating to appointment through employment exchange was relaxed in favour of the respondent and sub-Section 8 was relaxed in respect of age. A further perusal of the Government Order reveals that rule relaxation was granted in favour of the respondent and his services were regularized with effect from the date of the Government Order ie., 01.07.2016.

4.The respondent accepted the said G.O, served in the Department and retired from service on attaining the age of superannuation on 30.09.2022. After a lapse of about two years from the date of his retirement, the respondent filed a fresh Writ Petition in W.P(MD)No.6890 of 2024 challenging the order of the third appellant dated 23.07.2021 and to direct the appellants there to regularize the services of the respondent. The impugned order in the said Writ Petition was passed by the District Collector. After accepting the order of regularization passed by the Government in G.O.Ms.No.76, Rural Development and Panchayat Raj (E-5)



W.A(MD)No.1744 of 2024

WEB COPY

Department dated 01.07.2016, the respondent submitted an application to the District Collector and the said application was rejected by the District Collector and picking up a cause from the said rejection letter, a fresh Writ Petition has been filed.

5.The practice of reviving a dead cause of action at no circumstances be encouraged by the Courts. The issue relating to regularization of the services of the respondent ended in the year 2016 in G.O.Ms.No.76, Rural Development and Panchayat Raj (E-5) Department dated 01.07.2016. The respondent accepted the date of regularization and the said G.O remained unchallenged. He reached the age of superannuation and after a lapse of two years thereafter, filed a fresh Writ Petition based on the rejection order of the District Collector. This is exactly is the modus of the litigants to reopen the closed cases and this aspect has not been gone into by the writ Court.



W.A(MD)No.1744 of 2024

WEB COPY

6.Regularization and permanent absorption cannot be claimed as a matter of right. It is to be granted in accordance with the rules. The initial appointment of the respondent admittedly was not in accordance with the service rules. However, considering the length of his services, the Government regularized his appointment by granting necessary rule relaxation. Thus, the regularization granted to the respondent itself is a concession. The respondent accepted the same and the G.O remained unchallenged. He cannot thereafter turn around and challenge the rejection order passed by the District Collector which cannot override the Government Order of regularization passed in G.O.Ms.No.76, Rural Development and Panchayat Raj (E-5) Department dated 01.07.2016.

7.In view of the above, the Writ Petition itself is misconceived and the respondent is not entitled for retrospective regularization that too in a Writ Petition which was instituted after two years from the date of retirement and after receiving all the terminal and retiral benefits.



W.A(MD)No.1744 of 2024

WEB COPY

8.For all these reasons, the impugned writ order dated 05.04.2024 passed in W.P(MD)No.6890 of 2024 is set aside and the Writ Appeal is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S.,J.] & [G.A.M.,J.]
28.08.2025

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

To

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Rural Development and Panchayat Raj,
Secretariat,
Chennai.
- 2.The Director,
Rural Development and Panchayat Raj,
Panagal Building,
Chennai.
- 3.The District Collector,
Tirunelveli District.



WEB COPY



W.A(MD)No.1744 of 2024

S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.A(MD)No.1744 of 2024

DATED : 28.08.2025