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W.P.(MD) No.20589 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.20589 of 2022

K.Jeyakumar

... Petitioner

-VS-

1.The Government of Tamil Nadu
represented by its Secretary
Labour and Employment
Fort St.George, Chennai-600 006

2.The Director / Commissioner
Department of Employment and Training
Women's I.T.I, 3rd Phase
Thiru Vi Ka Industrial Estate
SIDCO Industrial Estate
Guindy, Chennai-600 032

3.The Regional Joint Director of Training
Department of Employment and Training
Madurai-625 007

4.The Deputy Director / Principal
Government Industrial Training
Institute (ITI)
Madurai-625 007

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining the impugned proceedings of the 2nd respondent in R.C.No.42469//TP 2/2016 dated 05.07.2019 and quash the same and consequently directing the respondents to post the petitioner as a Junior Training Officer in the Department of Employment and Training with regularization of service based on the appointment of the petitioner made through Employment Exchange in the year of 2011.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 05.07.2019, passed by the second respondent, rejecting the petitioner's request for regularization of his service.



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2. The petitioner claims that he has been working as a Contract Instructor from the year 2012 for more than ten years continuously. Therefore, he claims that his service will have to be regularized. The petitioner has been appointed on consolidated pay basis based on a contract, which has been periodically renewed. The contract is for a period of eleven months. The request of the petitioner has been rejected under the impugned order, which has been challenged in this writ petition.

3. A counter affidavit has been filed by the third respondent reiterating the contents of the impugned order and stating that the petitioner is not entitled for regularization of his service as he is only a contract worker and he is being paid only on consolidated pay basis.

4. Learned counsel for the petitioner would submit that the decision rendered by the Honourable Supreme Court in the case of ***State of Karnataka and others vs. Umadevi and others***, reported in ***2006 (4) SCC 1***, will not apply to the case of the petitioner, since he has been working for more than ten years without any break of service. He also relies upon a



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decision of the Honourable Supreme Court in the case of ***Jaggo vs. Union of India and others***, reported in **2024 SCC OnLine SC 3826**, and in particular, he relies upon Paragraph Nos.26 and 27 of the said decision to support the case of the petitioner that since the petitioner has been continuously working for more than ten years without any break of service, the petitioner is entitled for regularization of his service.

5. However, as seen from the aforesaid decision relied upon by the learned counsel for the petitioner, the said decision pertains to the sanctioned posts, in which the employees were working without regularization continuously for more than ten years. Admittedly, the post, namely, Contract Instructor held by the petitioner on contract basis and on consolidated pay basis is not a sanctioned post. In fact, in the decision relied upon by the learned counsel for the petitioner in ***Jaggo's*** case, referred to supra, the Honourable Supreme Court was dealing with the employees, who were performing core functions integral to the operations of the employer. It has also not been established by the petitioner that the post, which he is presently holding on contract basis, is a core function, which is integral to the operations of the employer. Therefore, the oft-quoted decision in ***Umadevi's***



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case rendered by the Honourable Supreme Court squarely applies to the case of the petitioner and not the decision relied upon by the learned counsel for the petitioner in **Jaggo's** case. For the foregoing reasons, this Court does not find any infirmity in the impugned order.

6. Since there is no merit in this writ petition, the same is dismissed. No costs.

29.10.2025

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

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To:

- 1.The Secretary,
Labour and Employment,
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- 2.The Director / Commissioner,
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Women's I.T.I, 3rd Phase,
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ABDUL QUDDHOSE, J.

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