BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2025

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

WP.(MD)No.19982 of 2021

Marthandam Bee Keeper's
Co-operative Society Ltd., No.2050,
rep. by its President,
Marthandam-Post,
Nalloor Village,
Vilavancode Taluk,
Kanyakumari District. ... Petitioner

Vs.

1.Inspector of Labour,
Combined Labour Offices Building,
Opp.to All India Radio Station,
Konam, Nagercoil,
Kanyakumari District.
2.Shine
3.Assistant Director,
Kathar Grama Tholikal,
Collector Office Campus,
Nagercoil, Kanyakumari District. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, to call for the records pertaining tot he impugned order passed by the first respondent in Na.Ka.1534 of 2015 dated 19.10.2020 and quash the same.

For Petitioner	: Mr.V.H.S.Prathap
For R1 & R3	: Mr.C.Venkatesh Kumar, Special Government Pleader.
For R2	: Mr.S.Anand

ORDER

The petitioner is a Bee Keeper's Co-operative Society, registered under the Tamil Nadu Co-operative Societies Act, 1983. The second respondent has preferred an application before the first respondent under Section 3 of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status)Act, 1981 and the same was allowed with a direction to the petitioner/Society to confer the permanent status of the second respondent with effect from 03.01.2013 in the cadre of Packer in the petitioner/Society. Aggrieved by the same, the petitioner/Society has filed this writ petition.

2.The learned counsel appearing for the petitioner/Society by referring to the decision of this Court in L.Justine and another Vs. The Registrar of Cooperative Societies, Chennai and others, which was confirmed by the Hon'ble Supreme Court in A.Umarani Vs. Registrar of Cooperative Societies and Others reported in 2004 (7) SCC 112, submits that this issue has already been decided that the first respondent has no jurisdiction to entertain the petition under the provisions of the Tamil Nadu Industrial Establishment (Conferment of Permanent Status)Act, 1981 in the matter related to Co-operative Societies. He further submits that this order is in violation of the Government Order in GO.(Ms)No.44 dated 11.03.2015, Labour and Employment Department and in violation of Rule 149 of the Tamil Nadu Co-operative Societies Rules 1988 and Section 74 of the Tamil Nadu Co-operative Societies Act, 1983.

3.The jurisdiction of the first respondent in deciding the matter of permanent status of the employee of the Co-operative Societies has already been decided by the Division Bench of this Court. Recently, the Division Bench of this Court has also decided the similar issue in W.A.No.1082 of 2014 dated 20.03.2024 as under:-

11.As per Section 74 of Tamil Nadu Co-operative Societies Act, 1983 recruitment Bureaus are constituted for recruiting employees to the Cooperative Societies. These Co-operative Societies are controlled by the Registrar of Co-operative Societies and the Government. When the service conditions of the employees are regulated under the Rules and special bylaws approved by the competent Authority under the Act, the Inspector of Labour cannot grant permanent status merely by conducting a summary proceeding. Such a decision would run counter to the provisions of the Cooperative Societies Act, Rules and by-laws approved by the competent Authority under the Act. All appointments, approval of cadre strength, method of appointments, procedures are regulated with the approval of *the Government and the Registrar of the Co-operative Societies. Therefore, any other method of appointment beyond the scope of the provisions of the Co-operative Societies Act and Rules are impermissible.*

4.In the similar issue, in a case of L.Justine and another Vs. The Registrar of Cooperative Societies, Chennai and others, the Hon'ble Full Bench of this Court has considered the applicability of the Act and held as under:-

16. Coming to the application of Permanency Act of 1981 or the Industrial Disputes Act, 1947, de hors G.O. Ms. No. 86, the said enactments are not applicable to the appointments made in an illegal manner. There is a lot of difference between irregularity and illegality. The appointments here are not irregular but illegal. Irregular is something which is done in an authorised manner but while doing so, there is some procedural irregularity. Illegality is altogether different. An action is illegal if it is contrary to law. The law in the instant case is so clear that the appointments cannot be beyond the permissible cadre strength. The rule mandates the fixation of the cadre strength. In fact, amendment of Rule 149 by G.O. Ms.

No. 212 was only made with that object obligating the societies to fix the cadre strength per force. Government has felt that the general criteria for fixation of the educational qualifications or the executive instructions fixing the cadre strength with expenditure not exceeding 2 to 3% of the working capital, need to be emphasised in a more clear and effective manner. For that reason, the Government brought forth amendment to Rule 149, particularly Sub-rule (1) thereof, by which, every society shall, taking into account its nature of business, volume of transaction and financial position, adopt, with the approval of the Registrar of Cooperative Societies, a special bye-law covering the service conditions of its employees and also enumerated the same, which are as stated below:

"*(i) Cadre strength and classification of various categories of posts and the qualifications required thereof for each such posts.*

(ii) The method of recruitment for each such posts.

(iii) The scale of pay and allowances for each such posts.

(iv) Conditions of probation for each such posts.

(v) Duties and responsibilities for each such posts

(vi) Leave of various kinds admissible and, the

conditions thereto for each such posts.

(vii) The penalties that may be imposed upon, the procedure for taking disciplinary action and inflicting various kinds of punishments on an employee holding each such post and the authority competent to entertain and dispose of appeal made against an order of punishment imposed by the competent authority on a disciplinary proceedings.

(viii) Conditions relating to acquisition and disposal of movable and immovable property :

Provided that a minimum period of three years of satisfactory service shall be prescribed for eligibility for promotion from one category to the immediate next higher category of post:

Provided further that the Co-operative Training at the appropriate level may be prescribed as a necessary qualification for specific categories of non-technical posts."

Most of the societies have not followed the mandate of this Rule. The arguments of the learned counsel for the appellants/petitioners are to the effect that the fault lies with the cooperative societies, which did not adopt the special bye-laws and for that reason, they should not be punished. We are unable to accept this contention for the *reason that the illegal appointees cannot have more rights than the cooperative societies themselves. The cooperative societies were totally prevented from making any appointments until the compliance of the mandate of the above Rule adopting a bye-law containing the particulars specified. Even thereafter, the appointments were to be only strictly as per the approved special bye-laws and not otherwise. Compassion cannot displace the essential legal requirements and as already stated above, essential legal requirements are the cadre strength and the qualifications and these cannot be bye-passed and any infraction in observance of the said essential requirement, makes the action of the Appointing Authority illegal. Neither the Permanency Act of 1981 nor the Industrial Disputes Act, 1947, imply that regardless of the illegal nature of appointments even at the entry stage, statutory protection is afforded under the above Acts after the completion of the man-days, be it 480 or 240 prescribed under the above statutes. The above two enactments have to be read and understood in the context that if only the appointments are authorised and the employees continued even in temporary positions beyond the respective mandays prescribed, the workmen get right to continue further on the legal presumption that the temporary posts are* *allowed to be treated as permanent. But if the appointment itself is illegal, then the Permanency Act of 1981 or the Industrial Disputes Act, 1947 cannot be invoked at all.*

17.The decisions cited by the learned counsel appearing for the writ appellants/writ petitioners do not contain any statement of law that even if the appointment is illegal and unauthorised, then the Permanency Act of 1981 or the Industrial Disputes Act of 1947 is applicable. There is no such adjudication in the said cases excepting the one in Irudhayanathan v. State of Tamil Nadu, 1997 (3) LLN 544 where the learned single Judge of this Court held that want of vacancy is not a ground for denying the benefit under the Permanency Act of 1981. But a contrary view has been taken by the Supreme Court in Ashwini Kumar v. State of Bihar, , which we will discuss later.

(a) In The Bank of Madura Staff Co-op. Thrift & Credit Society Ltd. v. The Dy, Commissioner of Labour And Industry, W.P. No. 10145 of 1996. dated 26.11.1997, a learned single Judge of this Court dealt with a post of Call Boy in a Cooperative Society and held that eighth standard was not prescribed in the special bye-laws of the Society and that it came to be prescribed in the year 1990 while the employee was recruited in 1980 and as such

there cannot be any retrospective prescription of qualification.

(b) In A. Palanivel v. T.N. Khadi & Village Industries Board, 1997 (3) L.L.N. 509, a learned single Judge was dealing with a case of unfair labour practice, as a circular was issued by T.N. Khadi & Village Industries Board to terminate the workmen after 240 days. Holding it as amounting to unfair labour practice, directions were issued to regularise under T.N. Act of 1981.

(c) In M. Arumugam v. Registrar of Co-op. Societies, (W.A. No. 1495 of 1997, dated 17.3.1998, which arose out of W.P. No. 3353 of 1988, the Division Bench did not decide the legal principles and there is no ratio decidendi. In that case, an office assistant worked for 8 years and he was not appointed through employment exchange. Relief was granted for continuation of the said employee on the ground of long years of service by him for 8 years in the society without any blemish.

(d) In T.N. Civil Supplies Corporation, Madras, Rice-Mill Engineering Section Employees Union v. T.N. Civil Supplies Corporation, , the learned single Judge was adjudicating with regard to the effect of non-obstante clause in Section 3 (1) of T.N. Act of 1981. There also, the Inspector, under Section 5 of 1981 Act, found that

workmen were entitled for regularisation and Corporation also issued proceedings but not implemented. The validity of appointment was not in issue. Writ was, therefore, issued to regularise the employees.

(e) In Shankar v. Joint Registrar of Cooperative Societies, 2001 (4) CTC 483 : 2002 (I) L.L.J. 596, a learned single Judge of this Court, in a similar matter arising under the Cooperative Societies Act and particularly with reference to G.O. Ms. No. 86, issued direction to the Authority under the 1981 Act to consider the case of the petitioner, a Supervisor in a Cooperative Society, in accordance with G.O. Ms. No. 86, stipulating some time. The merits were not gone into and question of adjudicating on the qualifications or the consequences of violation of the aspect of qualifications were not gone into. They were left to be considered by the Authority.

(f) In Thanjavur Dist. Co-op Employees Union, 2002 (II) M.L.J. 162, one of the contentions was that the appointments were unauthorised and illegal and that they were temporary and not permanent. The learned single Judge did not go into the aspect of the status of the workmen as to whether they were temporary or permanent or whether they are liable to be made permanent but was dealing only with the equal pay for equal work regardless

of the status of the workmen whether they are temporary or permanent and held that even while considering the workmen as temporary, as they were doing the same nature of the duties as those permanent, the said temporary employees were held entitled for the same scales of pay.

(g) Even in the case of T.N. Medical Services Corporation Employees Welfare Union v. State of Tamil Nadu, 2001 FJR (99) 252, the issue was not similar. There, the second respondent company, owned by the Government of Tamil Nadu, employed some workmen and because of the computerisation, some workmen were to be laid off and then it was held that such workmen, even though temporary and having regard to the fact that the company was making loss of profits, the workmen were entitled to be regularised in accordance with the T.N. Act of 1981 and directions were issued to the Inspector under Section 5 of the Act to verify regarding the satisfaction of the requirements under the Act and then take appropriate action within the stipulated time. Questions, as arose in this batch, were not there for adjudication. There was no plea of any recruitment, unauthorised or of unqualified persons. It was held that the second respondent, even though a Government company, is an industrial

establishment and comes within the ambit of T.N. Act of 1981.

(h) In P. Arumugam v. Special Officer, T.N. Cooperative Societies and Ors., 1997 (1) S.L.R. 498, the case involved promoting the third respondent to the post of Secretary and consequently reverting the petitioner as an Assistant, even though Rule 149 (2) (a) of the Tamil Nadu Cooperative Societies Rules, 1988, was pleaded to be null and void but arguments were not raised. The only argument was that the above provision is invalid because it is beyond the rule making power and is inconsistent with the main rule. The Division Bench held that the State Government had the power to prescribe qualifications and eligibility conditions for the post and that the power to prescribe also includes the power to relax or to provide for lesser qualification and also subject to certain conditions. The validity of the Rule was upheld. The other facet of the case relates only to facts of that case and there is no such ratio decidendi which we can trace.

(i) The case in S.A. Cooperative Motor Transport Society v. S. Batcha, 1960 (II) L.L.J. 693 dealt with the validity of a claim for compensation for retrenchment on the closure of a section of the South Arcot Cooperative Motor Transport Society and is of no relevance to batch.

(j) In The Cooperative Central Bank, Hyderabad v. Additional Industrial Tribunal, Andhra Pradesh, , held that the dispute with regard to the service conditions could not be gone into by the Registrar under Section 61 of the Cooperative Societies Act and it squarely falls for reference under Section 10 of the Industrial Disputes Act, 1974.

(k) In the case of The School Committee, Tilak Vidyalaya Higher Secondary School v. District Educational Officer, Tirunelveli, 1991 T.L.N.J. 1, the issue was as to whether a post of sweeper fell within the ambit of Employment Exchanges (Compulsory Notification of Vacancies) Act, 1989, it was held that the said Act will not apply.

(1) In T.N. Primary Agricultural Bank Employees Association v. T.N. Co-op. Primary Agricultural & Rural Development Banks Employees Union, W.P. No. 10609 of 2002 dated 20.9.2001, a learned single Judge of this Court, in a similar matter, did not adjudicate the merits but only directed the members of the petitioner's association i.e. Tamil Nadu Primary Agricultural Cooperative Bank Employees to approach the Authority to work out their remedy by moving the Appropriate Authority under the Tamil Nadu Industrial

Establishment (Conferment of Permanent Status) Act, 1981 or any other provision or moving the State Government to consider their claims.

(m) In Trichirapatti Hprm. Cooperative Bank Employees Union v. Joint Registrar of Cooperative Societies, 1992 (2) L.LJ. 747, it was held that a settlement between Cooperative Societies and their employees concerning wage structure cannot be nullified merely because the elected bodies were superceded and the special officers appointed in their place. The circular issued by the Registrar of Cooperative Societies ignoring the settlement was held to be incompetent and without jurisdiction. The settlement was relating to wage structure entered into under Sections 12(3) and 18(1) of Industrial Disputes Act and all the formalities regarding such settlement as per the prerequisites of the Act have been satisfied. The settlement was between the concerned Cooperative Societies on the one hand and the employees on the other. The question was regarding the validity of the circular issued by the Registrar of Cooperative Societies unilaterally annulling all the statutory settlements entered into by the elected bodies of the Cooperative Societies with the workmen. The merits of the contentions were not gone into. The case did not deal with the

unauthorised settlements or settlements giving retrospective effect but dealt with a settlement which was valid in law but was being annulled later because of the change of management.

(n) In Nellai Cotton Mills Ltd, v. State of Tamil Nadu, 1987 W.L.R. 258, a Division Bench of this Court was dealing with the constitutional validity of T.N. Act of 1981 and it was held (1) the Explanation to Section 3 is incapable of enforcement and must therefore be held to be redundant, (2) the provisions of Section 3 (2) of the Act are valid except that the clause "or on account of non-employment or discharge of such workman for a period which does not exceed three months and during which period a substitute has been employed in his place by the employer" is void on the ground that it amounts to an unreasonable restriction on the right of the employer; (3) an apprentice or a badly worker could not be included in the 'workman' referred to in Section 3 (1) and (2) of the Act, and they will, therefore, be not entitled to the benefit of Section 3; (4) the Act will not supersede a settlement between the workers and the employer in so far as it deals with the subject of conferment of permanent status to workmen; and (5) the Act cannot be held to be retrospective in character. The adjudication which is

sought for in this case did not arise in that case.

(o) In T. Marutheeswaran v. The Registrar of Cooperative Societies, , a learned single Judge of this Court was dealing with an officer, who retired as a Secretary but was appointed even after his superannuation and pursuant to the directions of the Registrar in exercise of the powers under Section 181 of the Cooperative Societies Act. It was held that there was no such power to issue such directions and that Section 181 of the Act empowers the Registrar to issue general directions and no particular direction of this nature to appoint. It was also held that every attempt will have to be made within the four corners of Section 73 of the Act and Rule 149 and merely because there is urgency and pressure of work, the respondents 1 to 3 cannot be permitted to do an illegal act.

18.As already stated, in the above cases, there was no adjudication regarding the effect of unauthorised employment either for want of fixation of the cadre strength or in excess of the cadre strength fixed or lack of educational and other qualifications. The decision in Bhagwati Prasad v. Delhi Pradesh Municipal Corporation, 1990 S.C.C. (L & S) 174, has got no relevance to this batch. The decision in Agra District

Cooperative Bank v. Prescribed Authority, 2001 (1) L.LJ. 1404, which has been decided by the Supreme Court and which has been cited on behalf of the writ appellants/writ petitioners, is of no help to them and in fact, it runs contra to their arguments. In that case, the Supreme Court was dealing with a situation arising under U.P. Cooperative Societies Act, 1955. In the said case, the employees of the cooperative societies were sought to be disturbed after 20 years of their service. But it was not a case of unauthorised appointment. There was some irregularity in the selection process and the Supreme Court emphatically held that inasmuch as there was no unauthorised employment and the employment was not against non-existing vacancies and carved out a distinction from the ratio laid down in Ashwini Kumar's Case, . In fact, it was positively held that if the appointments are unauthorised, then the ratio laid down in Ashwini Kumar's Case, is applicable. That only shows that the views taken by the Supreme Court in Ashwini Kumar's Case, have not been deviated but were followed in later decisions in Agra District Cooperative Bank v. Prescribed Authority, 2001 (1) L.L.J. 1404 and Nazira Begum Lashkar v. State of Assam, 2001 (1) S.C.C. 143. The other judgment in M.M. Dolichan v. State of Kerala, *cited by the learned Advocate General has got no relevance for this adjudication. The view taken by the learned single Judge of this Court in T.N. Civil Supplies Corp. Employees Union v. T.N. Civil Supplies Corpn. Ltd., is also in consonance with the judgment of the Supreme Court in Ashwini Kumar's Case, . Now, we go to the main case law on the subject i.e. Ashwini Kumar's Case, , which is applicable in this batch on all fours. In the said case, as a part of 20-Points programme for eradication of tuberculosis in the State of Bihar, 2,250 posts were sanctioned borne on class 1 and class 4. But the Director of Tuberculosis Centre at Patna, by misuse of his office, had appointed 6,000 persons, which is in excess by 3,715, as compared to the sanctioned cadre strength of 2,250. In the process, the very financial viability of the Scheme was affected. The recruited staff also sought for regularisation of their appointments on the ground of long service and sought direction against termination of their services. The Supreme Court held that when plan expenditure is required to be incurred, budgetary sanction is a sine qua non and that it is axiomatic that unless there is vacancy, there is no question of filling it up and there cannot be any employee when no vacancy or post available on which he can work and can be paid as per the budgetary sanction.*

The Supreme Court categorised such illegally appointed personnel as persona non grata and held that question of confirmation or regularisation of an irregularly appointed candidate would arise only if the candidate concerned is appointed in an irregular manner or on ad hoc basis against an available vacancy, which is already sanctioned but if the initial entry itself is unauthorised and is not against any sanctioned vacancy, question of regularising the incumbent on such a non- existing vacancy would never survive for consideration as the very entry itself was illegal and void. In fact, in that case, regularisation has been made by the Authority but the same was set at naught by the Supreme Court holding that the so-called exercise of confirming those employees was a nullity. It was emphatically ruled by the Supreme Court that any posting which is de hors the budgetary grant and on a non-existing vacancy would be outside the sanctioned scheme and would remain totally unauthorised and no right would accrue to the incumbent of such an imaginary or shadow vacancy. The Supreme Court held that in only two categories of cases, the claim for regularisation can be countenanced. Firstly, if on any available clear vacancies, which were of a long duration, appointments are made on ad hoc basis or daily-wage basis by a competent authority *and are continued from time to time and if it is found that the incumbents concerned have continued to be employed for a long period of time with or without any artificial breaks, then they may be entitled to claim regularisation but that claim can be made only on the pre- condition that the initial entry of such an employee must be made against an available sanctioned vacancy by following the rules and regulations governing such entry. Secondly, when the initial entry of the employee against an available vacancy is found to have suffered from some flaw in the procedural exercise though the person appointed is competent to effect such initial recruitment and has otherwise followed due procedure for such recruitment, the second instance is cited as a case of irregular appointment in centra-distinction to the illegal appointment stating that the regularisation cannot be made in the second type of cases when the initial entry was found to be totally illegal or in blatant disregard of all the established rules and regulations governing such recruitment and such illegal appointments can never be regularised.*

19.In view of the authoritative pronouncement of the Supreme Court, which is the law of the land under

Article 141 of the Indian Constitution, and as the facts of this batch of cases clearly attract the legal principles enunciated by the Supreme Court, we hold that the appointments of the staff made to the cooperative societies by the elected bodies or the officers in charge, in violation of the cadre strength or the prescriptions of the educational qualifications, cannot stand and are held to be null and void. As already stated above, the Permanency Act of 1981 or Industrial Disputes Act, 1947, cannot be pressed into service. Non-obstante clause in the above enactments have to be read down to be in consonance with the legal principles enunciated by the Supreme Court in Ashwini Kumar's Case, (supra). Hence, the settlements entered under Sections 12 or 18 of the Industrial Disputes Act, have got to no statutory force and are unenforceable. Promotions effected also fall to ground.

In view of what is stated supra, we hold;

<u>(i) that G.O. Ms. No. 86, Cooperation, Food and Consumer Protection Department, dated 12.3.2001, has got the effect of only authorising the regularisation of the employees recruited by the cooperative societies for the period from 9.7.1980 to 11.3.2001 exempting the intervention of employment exchange;</u>

(ii) that G.O. Ms. No. 86, Cooperation, Food and

Consumer Protection Department, dated 12.3.2001, shall not operate for regularisation of any employee recruited by the cooperative societies in violation of Sub-rule (1) of Rule 149 of the Tamil Nadu Cooperative Societies Rules, as amended by G.O. Ms. No. 212, Cooperation, Food and Consumer Protection Department, dated 4.7.1995;

(iii)in societies, where the cadre strength has not been fixed, direct them to adopt the special bye-law in conformity with Sub-rule (1) of Rule 149 of the Tamil Nadu Cooperative Societies Rules, as amended by G.O. Ms. No. 212, Cooperation, Food and Consumer Protection Department, dated 4.7.1995;

(iv)direct the Registrar of Cooperative Societies to issue a circular within a week from today calling upon all the cooperative societies in the State of Tamil Nadu to comply with the directions in Clause (iii) supra.

(v)direct that within two months of the approval of the special bye-laws under Sub-rule (1) of the Rule 149 of the Rules, the respective Deputy Registrars of Cooperative Societies having jurisdiction over the cooperative societies in their Divisions, shall enquire, by issuing notice to the entire staff recruited from 9.7,1980 to 11.3.2001, and decide as to whether the said recruitment is in conformity with the special bye-laws approved by the Registrar of the

Cooperative Societies and terminate the services of such staff members, whose appointments are in contravention of the special bye laws so approved by the Registrar of Cooperative Societies; it is made clear that while considering the validity or otherwise of the appointment of the staff cooperative societies, the requirement of notifying the vacancies to employment exchange shall not be taken cognisance of.

(vi) that no cooperative staff member appointed subsequent to G.O. Ms. No. 86, Cooperation, Food and Consumer Protection Department, dated 12.3.2001 otherwise than through employment exchange shall be continued in service and their services shall be terminated forthwith,

(vii) that either the provisions of Tamil Nadu Industrial Establishments (Conferment of Permanent Status to Workmen) Act, 1981 or the Industrial Disputes Act, 1947, or the settlements entered under Sections 12 or 18 thereof, shall have no application to the staff of the cooperative societies appointed without adequate qualifications or beyond the cadre strength for the period from 9.7.1980 to 11.3.2001. This is equally applicable to the staff appointed to the cooperative societies, otherwise than through employment exchange, for the period from

12.3.2001 onwards.

The writ appeals and the writ petitions are disposed of accordingly. No costs. Consequently, the connected W.A.M.Ps. and W.P.M.Ps. are closed.

5.The very case of the second respondent is that he entered into the petitioner/Society in the year 2011. Therefore, in view of the order passed by this Court as cited supra, he is not entitled for the relief from the Authority under the Act. The Hon'ble Supreme Court in ***Uma Rani vs. Registrar of Cooperative Societies*** reported in ***(2004) 7 SCC 112*** has upheld the decision of the Division Bench in ***L.Justine*** (supra). The relevant portion is extracted hereunder:

> *"39.Regularization, in our considered opinion, is not and cannot be the mode of recruitment by any "State" within the meaning of Article 12 of the Constitution of India or any body or authority governed by a Statutory Act or the Rules framed thereunder. It is also now well settled that an appointment made in violation of the mandatory provisions of the Statute and in particular ignoring the minimum educational qualification and other essential qualification*

would be wholly illegal. Such illegality cannot be cured by taking recourse to regularisation. (See State of H.P. Vs. Suresh Kumar Verma and Another, (1996) 7 SCC 562).

40.It is equally well-settled that those who come by backdoor should go through that door. (See State of U.P. and Others Vs. U.P. State Law Officers Association & Others, (1994) 2 SCC 204) Regularisation furthermore cannot give permanence to an employee whose services are ad-hoc in nature."

6.In view of the above decisions, the second respondent is not entitled for the relief as granted by the order impugned. Accordingly, the impugned order dated 19.10.2020 is hereby set aside and this writ petition is allowed. No costs.

13.11.2025

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

1.Inspector of Labour,
Combined Labour Offices Building,
Opp.to All India Radio Station,
Konam, Nagercoil,
Kanyakumari District.

2.Assistant Director,
Kathar Grama Tholikal,
Collector Office Campus,
Nagercoil, Kanyakumari District.

B.PUGALENDHI,J

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WP.(MD)No.19982 of 2021

13.11.2025