



W.A(MD)Nos.2620 of 2024 & 131 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.A(MD)Nos.2620 of 2024 and 131 of 2025

Kannan	... Appellant in W.A(MD)No.2620 of 2024
Rengasamy	... Appellant in W.A(MD)No.131 of 2025

vs.

1.The Secretary to Government,
Municipal Administration and Water Distribution Department,
St. George Fort,
Chennai – 600 009.

2.The District of Town Panchayat,
Kuralagam, Chennai – 108.

3.The Assistant Director, Town Panchayat,
Panagal Building,
Thanjavur.

4.The Executive Officer,
Ammapettai Town Panchayat,
Thanjavur.

5.The Chairman,
Ammapettai Town Panchayat



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(Selection Grade),
Thanjavur.

... Respondents in both W.As

Prayer: Writ Appeals filed under Clause 15 of the Letter Patent against the order of this Court in W.P(MD)Nos.2195 and 2197 of 2020, dated 12.09.2022.

For Appellant(in both WAs) : Mr.G.Karnan
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

These writ appeals are directed against the common order made in W.P(MD)Nos.2195 and 2197 of 2020, dated 12.09.2022.

2. The appellants were working as Assistants to Overhead Tank Operators under the respondents 4 and 5. Their appointments were made following the resolution dated 07.01.1999 passed by the 5th respondent based on G.O(Ms)No.198, dated 26.10.1998. However, their services were not regularised. Hence, they filed W.P.



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(MD)Nos.4152 and 4153 of 2016, for directing the respondents to regularize their services in the light of the proposal dated 28.03.2013 forwarded by the 5th respondent. The said writ petitions were disposed of with a direction to consider the appellants' representation. Pursuant thereto, an order dated 09.01.2020 was passed by the 4th respondent rejecting the request of the appellants for regularisation. Challenging the said order, the appellants filed the writ petitions and the Writ Court has passed the following order:

"5. I carefully considered the rival contentions and went through the materials on record. It is true that the local body had passed a resolution in favour of the writ petitioners. It has been stated therein that the petitioners were employed for more than fifteen years prior thereto. I called upon the petitioners' counsel to produce copies of the orders appointing the writ petitioners to the post of Over Head Operator (Assistance) and Over Head Operator. No such orders could be produced before me. The petitioners were not sponsored by the Employment Exchange. They were not appointed as against any sanctioned posts. That is why, in the impugned orders it had been categorically stated that there is absolutely no material to show that the petitioners were appointed way back in the year 1999. The learned Additional Government Pleader would also state that the



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petitioners had been engaged for while as contractual labour and that clearly explains the issuance of cheques in their favour. I accept the said explanation. After orders were passed in the earlier round of writ petitions, the petitioners' engagement even as casual labour came to be discontinued. Thus, for more than six years the petitioners are not engaged in any kind of employment under fifth respondent. My attention is drawn to the order dated 08.07.2015 passed by the Hon'ble Division Bench in W.A.No.850 of 2015 (D.Sankaran Vs. The Chief Secretary to Government of Tamil Nadu and two others). It had been held therein that when a person is not in any service, he cannot seek the relief of regularization of his service in the daily wage category of Mazdoor. In the said decision, it had also been held that a casual employee has no right to post and the question of regularization does not arise. If the petitioners had been appointed after following proper procedure though in a temporary capacity, then their having put in long years of service would probably sway the mind of the Court. Such is not the case here. There is absolutely no material to show that the petitioners were formally appointed by the local body. As already observed above, there is no relationship of employer and employee for the last six years. In these circumstances, I am not in a position to interfere with the orders impugned in these writ petitions and the writ petitions are dismissed. No costs."



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3. Assailing the impugned common order, the learned counsel for the appellants contended that the appellants were appointed in the office of the respondents 4 and 5 in the year 1999 in the existing vacancies, pursuant to the resolution passed by the 5th respondent dated 07.01.1999 and based on the same, the appellants worked for more than 15 years and received salary through cheques. Even the non-working period of six years was due to the fault on the part of the respondents in not permitting the appellants to attend the work since because the appellants filed W.P.(MD)Nos.4152 and 4153 of 2016 seeking regularisation and therefore, it cannot be a bar for considering the appellants' claim of regularisation. However, without considering the length of service put in by the appellants, the Writ Court has rejected the contentions of the appellants and dismissed the writ petitions. Thus, the learned counsel would pray for interference with the impugned orders.

4. The learned Special Government Pleader appearing for the official respondents would submit that the Writ Court, finding that the appellants were only engaged as contractual labours and that



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they were not the regular employees appointed as against the sanctioned posts, rightly declined to consider the claim of regularisation.

Thus, the dismissal of the writ petitions does not require interference.

5. Heard both sides.

6. As rightly held by the Writ Court, the appellants were not able to produce their appointment orders to prove that their appointments were made against the sanctioned posts under the respondents 4 and 5 or through the sponsor by the employment exchange. It is the consistent case of the respondents that the appellants were engaged as contractual labours and after the order passed in the earlier round of litigation namely, 01.03.2016, the appellants' engagement were discontinued. As such, there was no employer-employee relationship between the respondents 4 and 5 and the appellants from 2016. A casual employee has no right to seek regularisation as against the sanctioned posts and only a regular employee appointed through the selection procedure or through the



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sponsor by the employment exchange can seek for regularisation as a matter of right. Thus, the impugned common order passed by the Writ Court does not require interference by this Court.

7. Accordingly, the Writ Appeals are dismissed. No costs.

[J.N.B., J.] [S.S.Y., J.]
07.04.2025

Index : Yes / No
Neutral Citation : Yes / No
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COMMON JUDGMENT MADE IN
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