



WA(MD). No.1464 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20/11/2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN
AND
THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

WA(MD). No.1464 of 2019
and WP(MD)No.1281 of 2020
and WMP(MD)Nos.11372 of 2020 and 1030 of 2020

In WA(MD)No.1464 of 2019:

M.Maheswaran

... Petitioner

Vs

1. The Principal Secretary to Government,
Social Welfare and
Nutritious Meal Program Department,
Secretariat, Chennai-600 009..

2. The Director of Social Welfare,
Chindaripet, Chennai-600 002..

3. The Child Development Project Officer,
Integrated Child Development
Project Scheme,
Theni Urban Project,
Theni District.

... Respondents

PRAYER :- This Writ Appeal is filed under Clause 15 of the Letters



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Patent to preferr against the order passed by this Court in WP(MD)No. 13704 of 2015 dated 10.07.2019

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In WP(MD)No.1281 of 2020:

M.Maheswaran

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary, Social
Welfare and Nutrious Meal Program
Department, Secretariat,
Chennai - 600 009.

2. The Director of Social Welfare,
O/o.The Director of Social Welfare,
Panagal Maligai Iind Floor, Saidapet,
Chennai - 600 015.

3. The Additional Director of Social,
Welfare, the Director of Social Welfare,
Panagal Malligai II nd Floor,
Saidapet, Chennai - 600 015..

4. The Director Project Officer,
Integrated Child Development Project
Scheme, No.98/99 Spencer Compound,
Dindigul, Dindigul District - 624 003..

... Respondents

PRAYER :- This writ petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari to call for the records pertaining to the impugned order in Se.Mu.Na.Ka.No. 47046/Nir6(2)/2012, dated 30-12-2019 on the file of the Respondent No.3 and the consequential relieving order in Se.Mu.Na.Ka.No.2278/A1/2019 dated 20-01-2020, on the file of theRespondent No.4 and quash the same as illegal, since the impugned order of reversion is passed after a period of 27 years



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while the writ Appeal in WA(MD).No.1464/2019 as against the writ petition in WP(MD).No.13704/2015 is pending adjudication.

In both writ petition and writ appeal:

For Petitioner/Appellant : Mr.S.Louis

For Respondents : Mr.S.R.A.Ramachandran,
Additional Government Pleader

JUDGMENT

(Judgment of the Court was made by R.VIJAYAKUMAR., J)

The appellant in WA(MD)No.1464 of 2019 was initially appointed as Watchman in a regular vacancy. He was promoted as a Jeep Driver by way of proceedings dated 15.04.1993 along with 13 other persons. In the year 2012, the appellant had made a request to regularize his services in the cadre of Jeep Driver. However, the said request was rejected by way of proceedings dated 29.05.2014 citing G.O.Ms.No.140, Social Welfare Department dated 07.02.1997. As per the said Government Order, a candidate should possess three years of previous experience as a Driver to be appointed as a Driver.

2. According to the impugned order dated 29.05.2014, the petitioner was only working as a Watchman and therefore, he did not



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possess previous experience of three years as a Driver and therefore, he was not eligible to get regularization in the cadre of a Driver. This order was put to challenge in WP(MD)No.13704 of 2015. The said writ petition came to be dismissed on 10.07.2019. Challenging the said order WA(MD)No.1464 of 2019 was filed.

3. Pursuant to the orders of the writ court, the petitioner was reverted as Office Assistant by way of proceedings dated 3/12/2019 and consequential reversion order was issued to him on 20.01.2020. Those two orders are put to challenge in WP(MD)No.1281 of 2020. Since both the orders are interrelated, the writ petition has been posted along with the writ appeal before the Division Bench.

4. The learned counsel appearing for the writ petitioner submitted that under the proceedings dated 15.04.1993, the Administrative Officer of Social Welfare Directorate had promoted 14 persons, who were working as Office Assistants as Drivers. The petitioner's name was found in serial No.8 and one Chandrasekar's name was found in serial No.10. As far as the said Chandrasekar is concerned, the Government has issued



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an order in G.O.Ms.No.186, Social Welfare Department dated 18.05.2005 relaxing the condition of three years previous experience on that ground that the said Chandrasekar has already put in 12 years of service.

5. According to the learned counsel for the writ petitioner, the said Chandrasekar and the writ petitioner were similarly placed persons and therefore, there cannot be any discrimination between them. Hence, prayed similar relief can be granted to the petitioner also.

6. Per contra, the learned Government Advocate appearing for the respondent relied on G.O.Ms.No.140, Social Welfare Department dated 07.02.1997 and contended that the petitioner was working as the Watchman and therefore, he has no previous experience as a Driver on the date of promotion. He is not having previous experience and his promotion was irregular in nature and therefore, his service could not be regularized in the cadre of Driver. He further contended that since his promotion as a Driver is irregular in nature, he was rightly reverted back to the post Office Assistant.



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7. We have carefully considered the submissions and perused the materials available on record.

8. The Government Order in G.O.Ms.No.140, Social Welfare Department dated 07.02.1997, which is applicable for direct recruitment wherein as per clause-5, the candidate is expected to be possess an experience of not less than three years as Driver and working knowledge authomobile mechanism for a period of not less than one year.

9. In the present case, the petitioner was working as a Watchman and he has been promoted as a Driver. Therefore, reliance palced upon G.O.Ms.No.140 dated 07.02.1997 is not correct. That part, the petitioner is working as a Driver from the year 1993 i.e for the past 22 years. At this length of time, his appointment cannot be considered as irregular on the sole ground that he is not having previous experience at the time when he was promoted as a Driver. That apart, another candidate namely Chandrasekar, who was also working as a Night Watchman has been promoted along with the writ petitioner under the same proceedings dated 15.04.1993. As far as the said Chandrasekar is concerned, the



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Government had issued G.O.Ms.No.186 dated 18.05.2005 relaxing the said condition and relaxation is effected with effect from 28.04.1993 and therefore, the petitioner cannot be discriminated.

10. In view of the above said deliberations, the order impugned in WP(MD)No.13704 of 2015 is set aside and the Writ Appeal in WA(MD)No.1464 of 2019 is allowed. The authorities are directed to regularize the services of the petitioner in the cadre of Jeep Driver from the date on which he assumed charge as a Jeep Driver and disburse the monetary benefits and retirement benefits within a period of twelve weeks from the date of receipt of a copy of this judgment. Consequent thereof, the writ petition in WP(MD)No.1281 of 2020 is also allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(C.V.K., J.)

(R.V.,J.)

20.11.2025

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TO

1. The Principal Secretary to Government,
Social Welfare and Nutritious Meal Program Department,
Secretariat, Chennai-600 009.
2. The Director of Social Welfare,
Chindaripet, Chennai-600 002.
3. The Child Development Projec,
T Officer, Integrated Child Development
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**C.V.KARTHIKEYAN.,J
and
R.VIJAYAKUMAR., J**

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Date : 20/11/2025