



WP(MD). No.24276 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 28/10/2025

Pronounced on : 28/11/2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). Nos.24276 and 24277 of 2025

and

WMP(MD)Nos.19043, 19045, 19051 and 19052 of 2025

WP(MD). No.24276 of 2025

Govindaraj C

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Rural Development and Panchayat Raj Department,
Secretariat,
Chennai - 600 009.

2. The Commissioner,
Rural Development and Panchayat Raj Department,
Saidapet, Chennai - 600 015.

3. The District Collector,
Theni,
Theni District.

4. The Director of Local Fund Audit,
Integrated Finance Departments Building,
Nandhanam,
Chennai - 600 035.



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5. The Assistant Director of Local Fund Audit,
Collector Office Building,
Theni,
Theni District.

6. The Commissioner of Panchayat Union,
Office of the Panchayat Union,
Uthamapalayam Post and Taluk,
Theni District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter No.5468644/PaA5(2)/2023-3 dated 28.03.2025 issued by the 1st respondent and the consequential impugned Letter Na.Ka. No.1172/2024/Voo.Va.6 dated 07.04.2025 passed by the 3rd respondent and quash the same as illegal and consequently direct the 1st respondent to ratify the proposal submitted by the 3rd respondent in Na.Ka. No.2143/2017/Voo.Va.6 dated 15.12.2020 through the 2nd respondent to ratify the appointment of the petitioner on 16.05.1991 as Night Watchman by the 6th respondent and his further promotion as Office Assistant with effect from 01.12.1992 by the third respondent and consequently direct the fourth respondent to disburse the pensionary benefits, within the period that may be stipulated by this Court.



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R.Pandiyaraj

... Petitioner

Vs

1. The Additional Chief Secretary to Government,
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Secretariat,
Chennai - 600 009.

2. The Commissioner,
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Saidapet,
Chennai - 600 015.

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... Respondents



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PRAYER :-

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Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter No.5468649/PaA5(2)/2023-3 dated 28.03.2025 issued by the 1st respondent and the consequential impugned Letter Na.Ka. No.1173/2024/Voo.Va.6 dated 07.04.2025 passed by the 3rd respondent and quash the same as illegal and consequently direct the 1st respondent to ratify the proposal submitted by the 3rd respondent in Na.Ka. No.2143/2017/Voo.Va.6 dated 19.04.2021 through the 2nd respondent to ratify the appointment of the petitioner on 17.02.1982 as Night Watchman by the 6th respondent and his further promotion as Office Assistant with effect from 08.01.1991 by the third respondent and consequently direct the fourth respondent to disburse the pensionary benefits, within the period that may be stipulated by this Court.

For Petitioner : Mr. K. Ponnaiah,
Advocate.

For Respondents : Mr.M.Siddharthan, for R1 to R5
Additional Government Pleader

Mrs.P.B.Ahamed Yasmin Parvin for R6
Government Advocate

(in both cases)



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ORDER

With these writ petitions, the petitioners have sought for

i) a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter No.5468644/PaA5(2)/2023-3 dated 28.03.2025 issued by the first respondent and the consequential impugned Letter Na.Ka.No.1172/2024/Voo.Va.6 dated 07.04.2025 passed by the third respondent and quash the same as illegal and consequently direct the first respondent to ratify the proposal submitted by the third respondent in Na.Ka. No.2143/2017/Voo.Va.6 dated 15.12.2020 through the second respondent to ratify the appointment of the petitioner on 16.05.1991 as Night Watchman by the sixth respondent and his further promotion as Office Assistant with effect from 01.12.1992 by the third respondent and consequently direct the fourth respondent to disburse the pensionary benefits, within the period that may be stipulated by this Court.

ii) to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter No.5468649/PaA5(2)/2023-3 dated 28.03.2025 issued by the first respondent and the consequential impugned Letter Na.Ka. No.1173/2024/Voo.Va.6 dated 07.04.2025 passed by the third respondent and quash the same as illegal and consequently direct the first respondent to ratify the proposal submitted by the third respondent in Na.Ka. No.2143/2017/Voo.Va.6 dated 19.04.2021 through the second respondent to ratify the appointment of



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the petitioner on 17.02.1982 as Night Watchman by the sixth respondent and his further promotion as Office Assistant with effect from 08.01.1991 by the third respondent and consequently direct the fourth respondent to disburse the pensionary benefits, within the period that may be stipulated by this Court.

2. The claim of the petitioners for ratification of the proposals submitted by the third respondent, for their appointment as night watchman has been negated by the respondent by holding that the petitioners have been appointed after 01.04.1981 in violation of the Government Order in G.O.Ms.No.878, Rural Development and Local Administration Department, dated 15.05.1981 and that they would not be entitled to the benefit of the Government Order in G.O.Ms.No.267, Rural Development (E7) Department, dated 22.12.1999, as their names have not been included, in G.O.Ms.No.161, Rural Development (E7) Department, dated 26.08.2000 and such irregular appointees like the petitioner could not be regularised.

3. The brief facts of the case is that the petitioners herein have been appointed as Night Watchman on 16.05.1991 and 12.02.1982



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respectively. They have been also promoted as Office Assistant with effect from 01.12.1992 and 08.01.1991 respectively. Originally, a proposal for ratification was sought for in their promoted category of Office Assistant and the same had been rejected. Being aggrieved against the order of rejection, they have approached this Court in WP(MD)Nos.28258 and 28257 of 2023 respectively. This Court while disposing of the said writ petitions, had held that the rejection of proposal of the District Collector for regularisation of their services in the cadre of Office Assistants stood confirmed, but however, set aside the order of rejecting the proposal for regularisation in the post of Night Watchman and had remitted the matter back to the respondents to consider the proposal of the District Collector for regularisation of their services in the cadre of Night Watchman with effect from the date of their appointments as Night Watchman.

4. It is not disputed that the Government had issued Government orders in G.O.Ms.No.878, directing contingent staff to be brought into the regular establishment on seniority in the respective category of the concerned panchayat institution and the strength of the contingent staffs



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on the date of the said Government Orders to be frozen and new contingent staff should not be filled up and no posts in the category of contingent establishment should not be filled up in any vacancy that arose after 01.04.1981. The petitioners have been appointed as Night Watchman as contingent staff, after the said Government order, were also promoted as Office Assistants. While that be so, the Government issued by Government order in G.O.Ms.No.267 dated 22.12.1999, having found that after the ban order in G.O.Ms.No.878, there had been 218 employees who had been appointed and have been performing their duties, and on humanitarian grounds, it had been decided to absorb such persons after completion of 10 years of their service, after getting necessary ratification from the Government in that regard. Thereafter by a Government Order in G.O.No.161 dated 26.06.2000 finding that 171 staffs out of 218 had been continuously working for a period of 10 years from the date of initial appointment and whose names have been found in the list, to be regularised as Night Watchman in the respective panchayat within a period of three years by creating such posts. The names of the petitioners were not found in the said list, as they have already been promoted as office assistants and regularised in the post of office



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Assistants, on time scale of pay and had been granted even the Selection Grade pay and also had superannuated from service. Since their appointment in the post of Night Watchman was not regularized, the concerned District Collector have sent proposal for ratification of their appointment as Night Watchman as also the promoted post of Office Assistants. As noted above, originally the proposal sent by the District Collector had been rejected against which they had also filed a writ petition. The writ petition had come to be partly allowed by upholding the rejection of ratification in the post of Office Assistants but setting aside the rejection of ratification in the post of Night Watchman and was remitted back to the Government. On remittal, the ratification even in the post of Night Watchman had been rejected which is impugned in this writ petition.

5. The reasons attributed is that even after the relaxation granted by the Government in G.O.Ms.No.267, Rural Development (E7) Department, dated 22.12.1999, the names of the petitioners were not found in the list of contingent staff. It is to be noted that the petitioners, before the list was prepared, were promoted as Office Assistants and for



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that reasons, their names were not found in the last of contingent staffs.

The fault in their names not being found in the said list, cannot be attributed to the petitioners. Had they been continued to be working as Night Watchman without promotion, which was also regularised by the Department, their names would have been found in the list of Night Watchman and would have got the benefit of both the Government Orders in G.O.Ms.No.267, Rural Development (E7) Department, dated 22.12.1999, and G.O.Ms.No.161, Rural Development (E7) Department, dated 26.06.2000. When that is the case, the petitioners cannot be deprived of the benefit of the said Government Orders.

6. For the aforesaid reasons, the writ petitions stand allowed and the impugned orders are set aside, with a direction to the respondent to consider the claim of the petitioners as Night Watchman who is entitled for the benefit of the Government Order in G.O.Ms.No.267, Rural Development (E7) Department, dated 22.12.1999 and consider their regularisation on the respective dates on which they completed 10 years of their service in the post of Night Watchman by also counting their promotion as Office Assistants and thereafter decide the eligibility of the



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petitioner's further promotion and other benefits. Such exercise shall be carried out by the respondents within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

28.11.2025

NCC : yes /no
Index : yes / no
Internet : yes /no
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To

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2. The Commissioner,
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K.KUMARESH BABU, J

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ORDER
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Date : 28/11/2025