



WEB COPY

WP No. 6360 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 6360 of 2023
and WMP.No.6397 of 2023**

G.Ramaiah
S/o.G.Musiliah, 108/3,
Athipet, Rukmani Nagar,
Tiruvallur District-600 120.

..Petitioner(s)

Vs

1. The State of TamilNadu
rep by its Secretary,
Health and Family Welfare Department,
Fort St. George, Chennai-09.
2. The Director of Medical Education,
Kilpauk, Chepauk -600 010.
3. The Dean/Principal,
Stanely Medical College,
Chennai-01.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for records relating to the orders of the 3rd respondent made in Na.Ka.No.17147/ Ni2/ 3/ 2018 dated 29.12.2022 and that of the 1st respondent made in Letter No.3431227/ C1/ 2022-3 dated 13.01.2023, to quash the same and to consequently direct the respondents to regularize the services of the petitioner with effect from 02.06.1994 and to extend all benefits both services and monetary, including pension etc.,



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For Petitioner(s):

Mr.L.Chandrakumar

For Respondent(s):

Mr.Tippusulthan,
Government Advocate

ORDER

This Writ Petition is filed challenging the order of the 3rd respondent in Na.Ka.No.17147/ Ni2/ 3/ 2018 dated 29.12.2022 and the Letter No.3431227/C1/2023-3 dated 13.01.2023, communicated to petitioner by the first respondent, and to quash the same and consequently, direct the respondents to regularize the services of petitioner with effect from 02.06.1994 and to extend monetary and pensionary benefits.

2. The short question that arises for consideration is whether petitioner, who was originally engaged as a Scavenger/Sweeper in 1988 and was absorbed in a regular vacancy on 02.06.1994, continued to discharge his duties since then, is entitled to have his services regularised with effect from 02.06.1994. The impugned order dated 29.12.2022, finds that inasmuch as petitioner was 35 years on the said date, he was not eligible for regularization on 02.06.1994.

3. It is the case of the petitioner that he had earlier approached this Court in W.P.No.34329 of 2016, wherein, while dealing with the submissions made by the respondent authorities, vide order dated 02.09.2022, this Court observed



as follows:

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“4. Having regard to the rival submissions made, it is not possible to countenance the refusal of the Respondents to regularize the services of the Petitioner with effect from 02.06.1994 when he has already been brought on regular time scale of pay from that date. It is not in dispute that the Petitioner joined service on 26.09.1988 and was already working on 17.11.1992, when the First Respondent is said to have issued Letter No. 100686/F2/1992 that does not have any relevance for regularizing his service with effect from 02.06.1994 as claimed by him. Moreover, as rightly pointed out by Learned Counsel for the Petitioner, there is nothing precluding the concerned authorities from exercising the powers conferred by Rule 48 of the Tamil Nadu State and Subordinate Service Rules for relaxing the age bar for the Petitioner in this case, especially when he was less than 35 years on 26.09.1988 of the time of actually joining service.

4. From a reading of the above extracts, it appears that this Court has already rejected the submission of the respondents by stating that it is not possible to countenance the refusal to regularize the service of petitioner with effect from 02.06.1994, inasmuch as petitioner joined the service as early as on 26.09.1988, when he was admittedly below 35 years. Despite the orders of this Court, the impugned order refuses regularization from 02.06.1994, only on the



premise that petitioner was over 35 years on the said date.

5. It was submitted by the learned counsel for petitioner that as pointed out by the learned Single Judge, Government ought to have invoked the discretion under Rule 48 of the Tamil Nadu Government Service Conditions of Service Act, 2016 (corresponding to Rule 58 of the present Rules). He would submit that the impugned proceeding is contrary to the observations contained in the earlier round of litigation, thus unsustainable.

6. Learned Government Advocate appearing on behalf of the respondents, placing reliance upon the counter affidavit, would reiterate that petitioner, who belongs to Scheduled Caste community, was aged 35 years, 9 months and 2 days as on 02.06.1994, i.e., on the date of his appointment in the regular time scale of pay and thus the impugned order rejecting petitioner's request for regularization from 02.06.1994 is justified and does not warrant interference.

7. This Court finds from the earlier order that the reason in impugned order had already been held to be unjustified, as would be evident from the observation of this Court in W.P.No.34329 of 2016 that there is nothing precluding the concerned authorities from exercising the powers conferred by Rule 48 for relaxing the age bar for petitioner in this case, especially when he was less than 35 years, when he joined services.



8. In that view of the matter, the impugned orders dated 29.12.2022 and 13.01.2023, which are contrary to the above direction of this Court, cannot be sustained and thus set aside. The respondents are directed to regularize the services of petitioner with effect from 02.06.1994. It is also brought to the notice of this Court that petitioner has since retired, and therefore, his pensionary benefits shall be re-worked and paid to petitioner by regularising his service with effect from 02.06.1994 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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MOHAMMED SHAFFIQ, J.

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To

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