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W.P.No.32444 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.No.32444 of 2015

and

W.M.P.Nos.18308, 18309 & 18313 of 2020, M.P.Nos.1 and 2 of 2015

R.Subburayan
(Jeep Driver
District Rural Development Agency, Karur)
5A, North Colony Street
Near Gandhi Statue
Palaya Jayam Konda Cholapuram Post
Krishnarayapuram Taluk
Karur District – 639 102.

... Petitioner

vs.

1. The Principal Secretary to Government
Rural Development and Panchayatraj
(E-5) Department
Fort St.George, Chennai-600 009.
2. The Director of Rural Development
Panagal Building
Saidapet, Chennai-600 015.
3. The District Collector
Karur District
Karur – 639 005.

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4. The Personal Assistant to the
District Collector (Development)
Office of the District Collector
Karur District, Karur – 639 005.
5. The Project Officer
District Rural Development Agency
Collectorate Complex
Karur District
Karur – 639 005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the District Collector, Karur District, Karur, the third respondent herein made in (I) Na.Ka.Pa.Va.6/7269/2012 dated 30.08.2013 and (ii) Na.Ka.Pa.Va.6/5436/2014 dated 16.06.2015, quash the same and direct the respondents herein to regularize the services of the petitioner in the post of Jeep Driver from the date of his first appointment in any one of the existing vacancies falls under the control of the respondent herein as has been done in the similar case by the Government in G.O(1D) No.772 Rural Development and Panchayatraj (E5) Department dated 24.10.2008 with continuity of service and all attendant service, monetary and other concomitant benefits accrued thereon and disburse all the arrears.



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For Petitioner : Mr.K.Rajkumar
For Respondents : Mr.P.Muthukumar
Additional Advocate General
assisted by
Ms.S.Anitha
Special Government Pleader

ORDER

The petitioner challenges the proceedings dated 30.08.2013 issued by the third respondent, whereby the claim of the petitioner for regularisation of his service as Jeep Driver in the District Collectorate, Karur, came to be rejected.

2. Originally, the name of the petitioner, along with five other individuals, was sponsored by the Employment Exchange for appointment to the post of Jeep Driver in the District Collectorate, Karur. The petitioner attended the interview along with the other candidates and was subjected to a driving test conducted by the Regional Transport Officer. The petitioner was selected and recommended for appointment to the post of Jeep Driver by the Regional Transport Officer. Thereafter, the District Collector issued proceedings dated 09.02.2001 appointing the petitioner to the post of Jeep



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Driver on a contract basis for a period of three months. A separate appointment order was also issued by the Project Officer on 10.02.2001 stating that the appointment of the petitioner was purely temporary, on a contract basis, for a period of three months, on consolidated pay.

3. Subsequently, the Project Officer submitted a proposal to the third respondent recommending the appointment of the petitioner in the District Panchayat Office or in any other sanctioned post on a continuous basis, as he belonged to the Most Backward Community. Similar representations were also submitted by the petitioner to the third respondent.

4. Since the representation of the petitioner was not considered, the petitioner approached the Madurai Bench of this Court in W.P.(MD) No.10140 of 2007. The Madurai Bench of this Court, vide order dated 05.12.2007, directed the third respondent to consider the representation of the petitioner, having regard to the proposal submitted by the Project Officer, on its own merits and in accordance with law.

5. Pursuant to the said order, the third respondent, vide proceedings dated 17.07.2008, rejected the proposal stating that the appointment of the



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petitioner was purely temporary for a period of three months and that, in view of the said fact, the petitioner was not entitled to regularisation of his services as per the Government Letter dated 07.05.1990, which is applicable only to daily wage employees appointed through the Employment Exchange against Class III and IV posts.

6. The said proceedings were challenged by the petitioner before this Court in W.P. No.29086 of 2010. This Court, vide order dated 24.07.2012, set aside the said proceedings and directed the third respondent to reconsider the request of the petitioner seeking regularisation of his services as Jeep Driver, in view of the directions issued by this Court on 05.12.2007 in W.P. (MD) No.10140 of 2007. Pursuant thereto, the third respondent issued the impugned order dated 30.08.2013. Aggrieved by the same, the present writ petition has been filed.

7. Mr. K. Rajkumar, learned counsel for the petitioner, submitted that though the petitioner was initially appointed as Jeep Driver on a contract basis for a period of three months, the work was perennial in nature and the petitioner has continued to work as Jeep Driver even as of today. The initial appointment of the petitioner was against a newly created sanctioned vacant



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post, after following due procedure of law. In such circumstances, the rejection of the claim of the petitioner for regularisation of his services is arbitrary and discriminatory, and therefore, the petitioner is entitled to regularisation of his services immediately upon completion of ten years of service. In support of his submissions, the learned counsel placed reliance on the decision of the Hon'ble Apex Court in *Bhola Nath vs. The State of Jharkhand & Others* in SLP (Civil) No.30762 of 2024.

8. On the other hand, Mr. P. Muthukumar, learned State Counsel, submitted that the appointment of the petitioner was purely contractual for a period of three months and that, the appointment was not made against a sanctioned vacant post, and the same was effected without following the due procedure of law. It is further submitted that there is no material to substantiate that the petitioner had completed ten years of service as on the date of G.O.Ms. No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006. According to the learned State Counsel, the work performed by the petitioner was not perennial but only temporary in nature, and therefore, the claim of the petitioner for regularisation of his services is untenable.



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9. The arguments advanced by the learned counsel appearing on either side and the materials available on record have been duly considered.

10. G.O.Ms. No.19 dated 07.05.1990 was issued by the Secretary to Government, Personnel and Administrative Reforms Department, Fort St. George, Chennai, wherein clarifications were issued to the effect that daily wage employees appointed through the Employment Exchange, who possessed all the required qualifications at the time of their initial appointment, may be appointed to any regular vacancy (in either Group III or Group IV) that arises within the same appointing unit, irrespective of the category (Class III or Class IV) of their original appointment, without further consultation with the Employment Exchange.

11. The Commissioner, Thanthoni Panchayat Union, by proceedings dated 14.07.1998, stated that, as per Government Order No.230, Rural Development Department, dated 17.07.1997, a post of Jeep Driver had been newly created, with wages to be paid from the General Fund. By letter dated 02.12.1997 issued by the Director of Rural Development, instructions were issued to fill up the post of Jeep Driver by obtaining a list of eligible candidates from the District Employment Exchange and through the

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Appointment Committee of the Panchayat Union.

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12. Pursuant thereto, the Employment Exchange sponsored the name of the petitioner along with five other individuals. The petitioner, along with the other candidates, appeared for the interview and was subjected to a driving test conducted by the Regional Transport Officer. The petitioner was successful in the driving test and was recommended by the Regional Transport Officer for appointment to the post of Jeep Driver. The entire selection process was conducted by a five-member committee headed by the District Collector.

13. Thereafter, the Project Officer, District Rural Development Agency, Karur, issued proceedings dated 10.02.2001 appointing the petitioner as Jeep Driver purely on a temporary basis and on contract for a period of three months on consolidated pay. Subsequently, the Project Officer forwarded a proposal to the District Collector seeking permanent appointment of the petitioner. As the said proposal was not considered, the petitioner approached the Madurai Bench of this Court. The Madurai Bench of this Court, vide order dated 05.12.2007 in W.P.(MD) No.10140 of 2007, directed the third respondent to consider the representation of the petitioner,

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having regard to the proposal forwarded by the Project Officer.

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14. Thereafter, the District Collector rejected the proposal, which constrained the petitioner to approach this Court in W.P. No.29086 of 2010. The said writ petition was allowed on 24.07.2012. In the said order, this Court categorically observed that the rejection of the petitioner's request on the ground that he had been appointed as Jeep Driver under the third respondent Agency could not be sustained, in view of the fact that the petitioner had been appointed by following the regular rules of recruitment. It was further observed that the petitioner's name had been sponsored by the Employment Exchange and that he had been appointed as Jeep Driver under the District Rural Development Agency temporarily on consolidated pay by order dated 10.02.2001. This Court also recorded that the State had not produced any material to show that the petitioner had not been working continuously as Jeep Driver from the date of his appointment without any break in service, nor was there any material to show that he was not qualified to be considered for permanent appointment.

15. Accordingly, this Court directed the respondents to reconsider the request of the petitioner for regularisation of his services as Jeep Driver.

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Pursuant to the said order, the impugned order came to be passed stating that, under G.O.Ms. No.22 dated 28.02.2006, the petitioner had not completed ten years of service as on 01.01.2006. Though the petitioner had not completed ten years of service as on the said date, he completed ten years of service in the year 2012.

16. The records further indicate that the petitioner was appointed against a newly created sanctioned vacant post, the wages for which were paid from the Consolidated Fund. It is also undisputed that the petitioner continues to work as Jeep Driver in the District Collectorate concerned as on date.

17. The Full Bench of this Court in ***M. Sivappa v. State of Tamil Nadu (W.P.No.23823 of 2023, dated 26.02.2024)*** held that where posts are permanent in nature and fall within the 86 categories forming part of the Tamil Nadu Basic Service, temporary or part-time appointments ought to be avoided, and persons who had completed ten years of service as on 28.02.2006 would be entitled to regularisation, irrespective of the nomenclature attached to their appointments. It was further held that part-time or temporary employment is permissible only where the nature of the work itself is temporary or scheme-based.



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18. In *Jaggo versus Union of India, (2024) SCC OnLine SC 3826*) the Apex Court highlighted the systematic exportation of temporary and contractual employees in public institutions and held that labelling permanent work as temporary to deny regular benefits constitutes an abuse of power.

19. The Apex Court in the case of *Bhola Nath v State of Jharkhand (SLP(Civil) No.30762 / 2024)* ruled that the respondent-State acted unjustifiably by continuing the appellants on sanctioned vacant posts for more than a decade under contractual labels and later denying them consideration for regularization. Terminating such long-standing engagements abruptly without cogent reasons or a speaking order was arbitrary and violated Article 14 of the Constitution. Contractual clauses barring regularization cannot override constitutional protections; accepting such terms does not waive fundamental rights nor shield arbitrary State action from judicial scrutiny. As a model employer, the State cannot rely on contractual nomenclature or mechanically invoke *Secretary, State of Karnataka v. Umadevi* to justify prolonged ad-hoc employment or to discard long-serving employees unfairly.



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20. In the light of the foregoing discussion, this Court is of the considered view that the petitioner was appointed to a newly created sanctioned post by following the prescribed recruitment procedure and by a competent authority. The petitioner has completed more than 20 years of continuous service as on date. The nature of duties discharged by the petitioner is perennial in nature and not temporary. The denial of regularisation of his services by camouflaging his employment as temporary, despite long and continuous service, amounts to arbitrary exercise of power and is nothing but exploitation of his services. Under such circumstances, the petitioner is entitled to regularisation of his services, and denial of the same is arbitrary and discriminatory.

21. Accordingly, the captioned Writ Petition stands allowed and the impugned order dated 30.08.2013 passed by the third respondent is hereby quashed. The respondents are directed to regularise the services of the petitioner with effect from the date of completion of ten years of service, with all attendant and consequential benefits, including the monetary benefits flowing from this order. The said exercise shall be completed within a period of four months from the date of receipt of a copy of this order.



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22. Consequently, the connected miscellaneous petitions are closed.

There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

Speaking / Non-speaking

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HEMANT CHANDANGOUDAR, J.,

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