



W.A.No.2798 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

W.A.No.2798 of 2023

and

C.M.P.No.23399 of 2023

1. Government of Tamil Nadu
Represented by its Principal Secretary
Revenue Administration
Fort St.George
Chennai-600 009.

2. The District Collector
Namakkal
Namakkal District.

... Appellants

vs.

M.Mohan
S/o.Muthusamy

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 15.06.2022 made in W.P.No.32673 of 2018 and allow the writ appeal.

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For Appellants : Mr.Haja Nazirudeen
Additional Advocate General
assisted by
Mr.R.Kumaravel
Additional Government Pleader
For Respondent : Mr.G.Munuraj

J U D G M E N T

[Judgment of the Court was made by **S. M. SUBRAMANIAM, J.,**]

Under assail is the writ order dated 15.06.2022 passed in W.P.No.32673 of 2018.

2. The State has preferred the present intra-Court appeal mainly on the ground that the respondent was temporarily appointed as Driver on daily wage basis vide proceedings dated 26.11.2001. He was receiving daily wages and only in the year 2015, the Government granted permission to fill up the sanctioned post of the driver vide G.O. (1D).No.279, Revenue Department, dated 23.06.2015. Therefore, the regularisation granted to the respondent ought to be restricted from the date on which the Government passed an order sanctioning 71 posts of drivers in the Revenue Department.



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3. However, the facts reveal that the respondent was appointed as driver on daily wage basis by the District Collector, Namakkal, vide proceedings dated 26.11.2001, through the District Employment Exchange. Admittedly, the post of the driver even at that point of time was a sanctioned post. While so, the temporary appointment made during the relevant point of time is to be construed as a regular appointment, since the initial appointment was made through the District Employment Exchange, which is a recognised mode of recruitment.

4. The learned Additional Advocate General would submit that the regularisation ought to be confined from the date on which the Government sanctioned 71 posts vide G.O.(1D).No.279 dated 23.06.2015. However, the said ground raised by the State before the writ Court was not accepted mainly on the ground that the respondent was appointed on a daily rated basis, but against the sanctioned post and thus, the regularisation from the date of his initial appointment need not be denied. Once an employee is appointed through the District Employment Exchange for the post of the Driver and has continued in service for a fairly long time, the benefit of regularisation need not be denied. The initial appointment cannot be



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construed as illegal and more so, when he was appointed against a sanctioned post.

5. In view of the facts and circumstances of the case, this Court does not find any infirmity or perversity in respect of the writ order impugned.

6. However, in the matter of regularisation and permanent absorption, each case has to be considered on its own facts and the present case extending the regularisation from the date of appointment, need not be followed as a precedent in all cases.

7. Accordingly, the Writ Appeal stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
03-03-2026

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

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**S. M. SUBRAMANIAM, J.,
and
K. SURENDER, J.,**

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