



WEB COPY

WP No. 14602 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-04-2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 14602 of 2026**

**AND**

**WMP No. 15841 OF 2026**

P.Chinnan  
S/o.Periyaswamy (Late)  
Paraiyur Village,  
Pathanapalli Post,  
Krishnagiri District.

..Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. by its Principal Secretary  
Rural Development Department  
Secretariat, Fort St. George,  
Chennai-9.
2. The Director of Rural Development  
Panagal Building,  
Saidapet, Chennai-15.
3. The District Collector  
Krishnagiri District.
4. The Personal Assistant (Development)  
to the District Collector,  
Krishnagiri District.
5. The Block Development Officer,  
Krishnagiri Panchayat Union,  
Krishnagiri District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Mandamus directing the respondents herein to



regularise the services of the petitioner in the post of Night Watchman on completion of 10 years of service by taking date of initial appointment as 28.06.1984 with all service and monetary benefits

For Petitioner: Ms.Dhakshyani Reddy, Senior Counsel for  
Mr.C.Mahendran

For Respondents: Mr.R.U.Dinesh Raj Kumar  
Additional Government Pleader for R1 to R4

Mr.P.Balathandayutham  
Special Government Pleader for R5

### **ORDER**

The above writ petition has been filed seeking a mandamus to the respondents to regularise the services of the petitioner in the post of Night Watchman on completion of 10 years of service by taking into account his initial appointment on 28.06.1984.

2. The petitioner would contend as follows :

(a) He was originally appointed as Masalji vide proceedings of the 5<sup>th</sup> respondent dated 28.06.1984 on a consolidated pay of Rs.60/- per month. After putting 8 years of service, on 01.03.1992, he was promoted as Night Watchman, in which post he has been serving to date.

(b) While so, the respondents had initiated the process of regularisation of



the services of the petitioner and individuals similarly like petitioner, who had been in service for very long period in time.

WEB COPY

(c) The Government also issued G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006 prescribing that the individuals who had been appointed on a consolidated pay or daily wages and had completed 10 years of service are entitled for regularisation.

(d) Accordingly, the 5th respondent had made recommendations to the 4th and 5th respondents vide his proceedings dated 14.12.2006, to regularise the services of list of persons. The said list contained the names of one Chinnasamy and Sivappa who were also appointed in the post of Masalchi like that of the petitioner, including the petitioner herein and few others.

(e) On 09.09.2008, the first respondent issued G.O.Ms.No.144 dated 09.09.2008, in which it had decided to regularise the services of 114 employees out of 171, who had completed 10 years of service in Panchayat Union on consolidated pay, daily wages etc., however, the name of the petitioner did not feature therein.

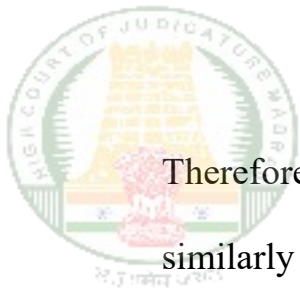
(f) Thereafter, the 2nd respondent issued a circular dated 29.06.2010 to the 3rd respondent to provide additional particulars of the petitioner who was featured in Sl.No.5 of List No.1. Necessary details were submitted by the 3<sup>rd</sup> respondent to the 2<sup>nd</sup> respondent, who in turn had



forwarded the details to the first respondent.

(g) Despite such efforts, no steps have been taken to regularise the services of the petitioner. Hence, he filed W.P.No.19664 of 2018 before this Court. This writ petition was taken up for hearing along with similar cases in W.P.Nos.19663, 19665 to 19669 of 2018, and had disposed of the writ petitions on 01.08.2018, with a direction to the first respondent to consider the representations of the petitioners therein, (including P.Chinnan, the petitioner herein) in line with G.O.Ms.No.22/P & AR Department. Dated 28.02.2006 and the recommendations of the second respondent, within a period of six weeks. However, the respondents have not complied with the directions of this Court in W.P.Nos.19663 to 19669 of 2018.

(h) Similarly placed Mr.M.Sivappa also approached this Court in W.P.No.23823 of 2023 to regularise his services and the same was ultimately referred to a Larger Bench of this Court. By order dated 26.02.2024, the Larger Bench had answered the reference in favour of the petitioner therein. Ultimately, it directed the Registry to place the above writ petition in W.P.No.23823 of 2023 before the learned Single Judge as per the roster for disposal. The learned Single Judge by his order dated 19.07.2024, had directed the respondents to regularise the service of the petitioner from the date of his initial appointment with all service benefits within a period of four weeks.



Therefore, in the light of the above directions, the petitioner who is also similarly placed, is before this Court, seeking a mandamus.

WEB COPY

3. The learned counsel who appeared on behalf of the petitioner had reiterated the contents of the affidavit filed in support of the writ petition, as also the judgment of the Full Bench in *M.Sivappa Vs The State of Tamilnadu* [W.P.No.23823 of 2023 dated 26.02.2024] and the judgment of the Hon'ble Supreme Court in *Dharam Singh & Others Vs. State of U.P & another* in Civil Appeal No(s). 8558 of 2018 dated 19.08.2025.

4. Mr.R.U.Dinesh Raj Kumar, learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the petitioner's service is not regularised as he is receiving the consolidated pay and the same is not covered either by the judgment of the Full Bench or by the Government Orders.

5. The rival submissions are carefully weighed and the records have been perused by me.

6. The admitted facts are that the petitioner was initially appointed as Masalji on 28.06.1984 and he had been promoted as Night Watchman on 01.03.1992, in which post he continues. Therefore, he has put in more than four decades of work as on date. As per G.O.Ms.No.22 Personal and



Administrative Reforms (F) Department dated 28.12.2006, the petitioner became entitled to be regularised on his completing 10 years of service. The Full Bench in its judgment in W.P.No.23823 of 2023 was considering a similar case where the petitioner therein had been appointed at the same time, as the petitioner herein, as Masalche.

7. The issue that had been referred to the Full Bench was “*whether part-time employees are entitled regularisation as per G.O.Ms.No.74 Personnel and Administrative Reforms (F) Department, dated 27.06.2013 or whether the said Government Order would be applicable retrospectively or only prospectively*”. The Full Bench had taken into consideration the number of part-time employees employed on Daily Wage Basis / Contract Basis / on Consolidated salary in all Departments, which is evident from reading of paragraph No.13 of the said judgment, as below :

*“13. We had by our order dated 18.12.2023 required the Chief Secretary to the Government of Tamil Nadu to file an affidavit disclosing the number of part-time temporary employees employed on Daily Wage Basis/ Contract Basis / on Consolidated salary in all Departments of the State Government, including all local bodies by 21.12.2023.”*

8. After considering the various judgments, the Bench had taken note of the arguments of the learned Additional Advocate General appearing for the State that temporary appointments were made without any reference to the



recruitment procedure and therefore, in violation of the Rules. In paragraph No.31 & 32, this fact has been described :

WEB COPY

“ 31. Though Mr.S.Silambanan learned Additional Advocate General appearing for the State would seek to contend that temporary appointments are made without reference to any recruitment procedure and therefore, they are in violation of the Rules. Hence, regularisation of such temporary or part-time employees would amount to back-door entry. We should also be alive to the fact that the practice of recruiting or appointing temporary employees and regularising their services at regular time gaps has become a permanent feature and despite the Hon'ble Supreme Court repeatedly pointing out that such practice should not continue the Governments are continuing with the said practice. This forces the Courts to evolve a method by which regularisations are carried out. The very fact that even after Umadevi's case, we have so many decisions of the Hon'ble Supreme Court diluting the rigour of the said pronouncement shows that it is a necessary evil.

32. As we have already pointed out the temporary appointments are made even to teaching posts in Aided Schools and Colleges through the medium called the Parents Teachers Association and those teachers, who have been appointed to such permanent posts temporarily seek priority in appointment when a regular appointment is sought to be made. We have two sets of judgments of this Court. Ones that take the view that G.O.Ms.No.74 dated 27.06.2013 is retrospective in nature and therefore, part-time employees are not entitled to regularisation and the others, where this Court had taken a view, which appears to be more pragmatic, to the effect that parity must be ensured and the nature of the post should be looked into in order to decide, as to whether the benefit of regularisation should be made available to the employee concerned or not. “



9. Thereafter, the Bench had summed up the arguments in paragraph No.36 & 37 as follows :

*“36. Having considered the entire literature that is available in the form of various pronouncements of this court, as well as the Hon’ble Supreme Court, we find it difficult to accept the judgment of the Division Bench in State of Tamil Nadu. by its Secretary, Public Works Department. and another vs. S. John Charles and others, as one laying down the law to the effect that the Government is free to appoint persons either in part-time or on a full-time temporary basis to permanent posts and oust them out at its whims and fancies and we conclude that such unbridled exercise of indiscretions by the State Government would amount to exploitation.*

*37. We are of the considered opinion that wherever the posts are permanent in nature and they come within 86 categories of posts which form the Tamil Nadu Basic Service, temporary or part-time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularisation dehors the nomenclature that is given to the appointment.”*

Ultimately, the Bench had held as follows :

*“38. In fine, we hold*

*(a) If it is shown that the appointment is made to anyone of the 86 categories of posts enumerated in the Tamil Nadu Basic Service immaterial of the fact that whether such appointment is part-time or fulltime, the employee would be entitled to the benefit of regularisation dehors G.O.Ms.No.74 dated 27.06.2013.*



*(b) If it is shown that the nature of employment is temporary and the requirement will cease to exist after a particular time, like those appointments that are made under various welfare schemes, it will then be open to the Government to engage temporary employees or part- time employees.”*

10. Thereafter, after answering the reference, the Bench had directed the writ petition to be listed before the Single Judge. The learned Single Judge by order dated 19.07.2024 in W.P.No.23823 of 2023 had directed the petitioner's service be regularised from the date of his initial appointment with all service benefits, within a period of four weeks.

11. The Hon'ble Supreme Court was considering a similar issue in ***Dharam Singh & Others Vs. State of U.P & another*** in ***Civil Appeal No(s). 8558 of 2018 dated 19.08.2025***, wherein it had dealt with Class-IV and Class-III employees, who had been appointed on a consolidated monthly payments. These category of persons have sought for regularisation. The writ petition filed by these employees was dismissed by the High Court of Allahabad and the same was confirmed by the Division Bench in an appeal. Aggrieved by which, the workmen had approached the Hon'ble Supreme Court. The Hon'ble Supreme Court has observed as follows :



WEB COPY



*“ 9. Moreover, it is undisputed that the nature of work performed by the appellants i.e., sorting and scrutiny of applications, dispatch and office support, and driving, has been continuous and integral to the Commission’s functioning since their engagement between 1989 and 1992. The Commission itself moved for sanction of fourteen posts and furnished a list of fourteen daily wagers including the appellants. That consistent internal demand, coupled with uninterrupted utilisation of the appellants’ labour on regular office hours, fortifies the conclusion that the duties are perennial. To continue extracting such work for decades while pleading want of sanctioning strength is a position that cannot be sustained.”*

12. Ultimately, the Hon'ble Supreme Court allowed the civil appeals and set aside the order passed by the High Court of Allahabad and regularised the services of the appellants therein and created a supernumerary post in the cadre and directed the appellants to be paid the arrears of salary and allowances. As a conclusion, the Hon'ble Supreme Court observed as follows :

*“ 17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman*



*that overrides fairness, reason and the duty to organise work on lawful lines.”*

WEB COPY

13. Therefore, in the light of the above, the respondents are directed to regularise the services of the petitioner from the date of completing his 10 years of service i.e., from 27.06.1994 with all attendant benefits, and necessary orders shall be passed within a period of six weeks from the date of receipt of a copy of this order.

14. With the above directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**17-04-2026**

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

DS



To:

1. The Principal Secretary  
State of Tamil Nadu  
Rural Development Department  
Secretariat, Fort St. George,  
Chennai-9.
2. The Director of Rural Development  
Panagal Building,  
Saidapet, Chennai-15.
3. The District Collector  
Krishnagiri District.
4. The Personal Assistant (Development)  
to the District Collector,  
Krishnagiri District.
5. The Block Development Officer,  
Krishnagiri Panchayat Union,  
Krishnagiri District.



WEB COPY

WP No. 14602 of 2



P.T.ASHA J.

DS

WP No. 14602 of 2026  
AND  
WMP NO. 15841 OF 2026

17-04-2026