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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**WP No. 23300 of 2024
and
WMP No.25456 of 2024**

1. Union of India rep by the Director General
Employees' State Insurance Corporation,
CIG Road, New Delhi- 110 002.
2. Additional Commissioner and Regional Director,
ESI Corporation, Sterling Road,
Nungambakkam,
Chennai - 600 034.
3. Deputy Director
ESI Corporation, Sterling Road,
Nungambakkam,
Chennai - 600 034.

Petitioner(s)

Vs

1. The Registrar
The Central Administrative Tribunal,
Madras Bench, Chennai- 104.
- 2.T.Gunasekaran

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.1626 of 2016 dated 17.03.2023 and to quash the same.



For Petitioner(s): Mr.C.V.Ramachandra Murthy

For Respondent(s): Mr.V.Govardanan
for M/s.Row & Reddy for R2
R-1 Tribunal

ORDER

(Order of the Court was made by K.KUMARESH BABU, J.)

This writ petition has been filed to call for the records relating to the order passed by the Central Administrative Tribunal, Chennai Bench, in O.A.No.1626 of 2016, dated 17.03.2023 and to quash the same.

2.Heard the learned counsel for the petitioners and the learned counsel for the second respondent.

3.The learned counsel for the petitioners would submit that the second respondent had joined the services of the petitioners/Corporation on temporary basis as Peon in the year 1985. As there were allegations against the second respondent that he had produced forged educational certificates, he was imposed with a punishment of reduction of pay in the time scale of pay and had been posted as Farash, by an order dated 26.03.1991. However, the case was reviewed by the Headquarters Office and the Director General, vide proceedings dated 17.06.1991, set aside the penalty imposed on the second respondent and a *de novo* enquiry was ordered. Thereafter, by proceedings dated 13.09.1995, the Disciplinary Authority removed the second respondent from the post of Peon in



the ESI Corporation for not possessing the required qualification for the post of Peon.

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3.1. He would submit that pursuant to the order, the second respondent had submitted a letter requesting him to be appointed as a Canteen worker. Considering the representation made by the second respondent, the petitioners appointed him as a Cleaner in the Department Canteen that was being run in the Regional Office Building at Madras with effect from 15.09.1995, further indicating that his service as Peon from 1985 would stand forfeited and that the order of the appointment is also subject to the review by the Headquarters office. The Department Canteen run by the ESI Corporation ceased to function and the Canteen was run from 01.08.2009 by outsourcing the same to a self help group. As the second respondent was only a temporary employee, his service as a Cleaner by order dated 08.10.2009 was also terminated. Challenging the order of termination, the second respondent had approached the Central Administrative Tribunal in O.A. No.971/2009 and the order of termination was set aside as the same had been made without issuing any show cause notice to him. The appeal filed against the said order also came to be dismissed and thereafter, the second respondent was reinstated into service. After his reinstatement, he had sought for regularisation, release of increment from July 1995 and GPF also to be deducted from his salary. The said request had been rejected as his appointment had not been made by following proper procedure as laid in the Recruitment Regulations. Challenging the order of rejection, the



second respondent had approached the Central Administrative Tribunal in OA No.1626/2016, in which the order impugned herein had been passed setting aside the order of rejection with a further direction to regularise the services of the applicant/second respondent herein as per the recommendations of the second respondent therein and granted him all service benefits including the monetary benefits.

3.2.He would assail the order impugned herein by contending that the second respondent had not been appointed firstly in a regular vacancy and that his order of punishment was imposed as early as in the year 1995 dismissing from service and only on humanitarian grounds, he was appointed as a Canteen worker and therefore, he cannot be treated as regularly employed and therefore, there is no question of any regularisation of the services of the second respondent. He would further submit that the second respondent was appointed in the year 1995 as a Cleaner, that too during the ban period which had prohibited appointments by the competent authority and therefore, such appointment is also an illegal appointment and hence, by applying the ratio laid down by the Hon'ble Apex Court in the case of *Umadevi*, the claim of the second respondent for regularisation cannot be entertained. He would further submit that the conduct of the second respondent in producing forged certificates, upon which he was terminated, had also been laid to rest, as the second respondent had not preferred any further proceedings on such order of



dismissal. These aspects have been clearly overlooked by the Tribunal in ordering regularisation of the second respondent. Hence, he would seek indulgence of this Court.

4. Countering his arguments, Mr. V. Govardanan, learned counsel appearing for the second respondent would submit that a categorical finding had been given by the Tribunal that the second respondent should be treated as a regular employee of the petitioners/Corporation as he had been granted with all benefits such as regularly paid tuition fees, paid festival advance and other benefits that had been extended to a regular employee. Finding that the second respondent was only a regular employee, the order of termination was set aside as the same had been made after 14 years without issuance of any notice or opportunity to the second respondent. The writ petition filed against the same was also dismissed affirming the findings of the Tribunal. He would further submit that a Special Leave Petition filed against the said order also came to be dismissed by the Hon'ble Apex Court and in the interregnum, the second respondent had been reinstated in service without prejudice to the Corporation. Thereafter, the claim of the second respondent came to be rejected by the third petitioner. He would contend that in such circumstances, the petitioners cannot now be heard to contend that the second respondent was not a regular employee of the ESI Corporation, contrary to the specific findings made by the Central Administrative Tribunal and affirmed by the Division Bench of this Court.



4.1. He would further submit that originally, the second respondent was appointed as a regular employee and was dismissed and that on representation, he was again appointed as a regular Canteen worker in the Canteen run by the Corporation and was granted with all benefits. Therefore, he would submit that the Tribunal had rightly held that the second respondent was a regular employee and the judgment of the Hon'ble Apex Court could not be applied to the case of the second respondent. He would further submit that it is not the case of the petitioners that the second respondent was not qualified to be appointed even as a Cleaner in the Canteen and hence, he would pray this Court to dismiss the writ petition.

5. We have considered the submissions made by the learned counsel on either side and perused the material records.

6. The primary contention of the petitioners is that the second respondent had not been regularly appointed as a Cleaner in the year 1995. The Tribunal, in an earlier round of litigation, had categorically held that the second respondent was to be treated as a regular employee and only on such finding, had set aside the order of termination and issued a direction for reinstatement of the second respondent herein. The same was challenged by the petitioners in a writ petition and a Division Bench of this Court had also affirmed the order passed by the Tribunal and the same had been unsuccessfully challenged before the Hon'ble



Apex Court. It is further to be noted that the second respondent was also reinstated into service in the year 2010. But however, when he had sought for the benefits that he was entitled to, his claim came to be rejected holding that his appointment was an irregular appointment. Having failed to substantiate that the appointment of the second respondent as a Cleaner in the year 1995 was irregular before the Tribunal, which had been affirmed upto the Apex Court, the petitioners cannot now turn around and claim that the second respondent had been irregularly appointed to reject his claim.

7. In that regard, we are of the considered view that the order passed by the Tribunal suffers from no irregularity or infirmity which warrants interference by this Court in this writ petition. For the aforesaid reasons, the writ petition fails and is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

(C.V.K.J.,) (K.B.J.,)
17-02-2026
(2/2)

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
The Registrar
The Central administrative Tribunal,
Madras Bench, Chennai- 104.



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**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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