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WP No. 24296 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

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

**WP No. 24296 of 2025
AND
WMP NO. 27346 OF 2025**

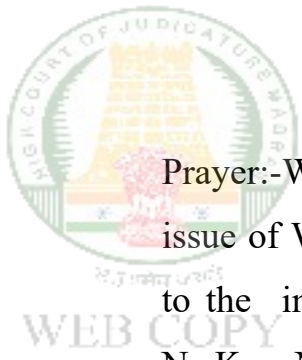
D.Velmurugan
S/o.Dhandapani, Naduveerapattu Colony,
N.Moolakupam Post, Cuddalore Taluk, Cuddalore
District.

..Petitioner(s)

Vs

1. The Additional Registrar/ Managing Director
Tamil Nadu Cooperative Union, N.V.Natarajan
Maaligai No.170, Periyar E.V.R. Road, Kilapuk,
Chennai-10.
2. The Joint Registrar Of Cooperative Societies
Cuddalore Region, No.3, Beach Road,
Cuddalore, Cuddalore District.
3. The Principal
F.C.2863, Dr.M.G.R. Institution Of
Cooperative Management, No.3, Beach Road,
Cuddalore -1.

..Respondent(s)



Prayer:-Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka. No.4532/ 2023/A1, dated 04.06.2025 and quash the same and consequently directing the respondents to permit the petitioner to join duty as Office Assistant in the 3rd Respondent Institution or any other Institution.

For Petitioner(s): Mr.C.Prakasam

For Respondent(s): Mr. E.P. Senniayangiri,GA for R.1 and R.2
R-3 – No Appearance

ORDER

This Writ Petition has been filed for the following reliefs:-

“Calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka. No.4532/ 2023/A1, dated 04.06.2025 and quash the same and consequently directing the respondents to permit the petitioner to join duty as Office Assistant in the 3rd Respondent Institution or any other Institution.”

2. Brief Facts:-



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3.The petitioner would submit that he was appointed as an Office Assistant in the 3rd respondent institution on 07.04.1997. After rendering service for more than seven years, on 07.04.2004, without issuing any notice and without initiating any disciplinary proceedings, the 3rd respondent orally instructed the petitioner not to attend office with effect from 07.04.2004. The petitioner was thus prevented from discharging his duties without conducting any enquiry.

4.The petitioner would further submit that, on 27.07.2017, the 3rd respondent instructed him to rejoin duty as an Office Assistant in the office of the 3rd respondent institution. Accordingly, the petitioner rejoined duty and has been working as an Office Assistant on a daily wage basis. He had already rendered service for more than seven years from 1997 to 2004, and thereafter from 2017 to 2023. However, his services have not been regularized by the respondents. On 13.03.2023, the respondents once again instructed the petitioner not to attend duty and orally informed him that another person had been recruited in his place.



5. In these circumstances, the petitioner had filed W.P. No. 19216 of 2023 seeking a direction to the respondents to permit him to continue in service in the 3rd respondent institution as an Office Assistant. This Court, by order dated 06.11.2023, directed the respondents to consider the petitioner's request. Pursuant to the direction of this Court, the 1st respondent had considered the petitioner's representation and, by order dated 09.02.2024, rejected the same stating that the 3rd respondent institution was merged with the Tamil Nadu Cooperative Federation on 01.07.2008 and the petitioner had worked only 255 days from 01.07.2008 to 28.06.2019, whereas G.O. Ms. No. 86 dated 12.03.2001 requires a temporary employee to have worked more than 480 days within a period of two years for regularization. Challenging the same, the petitioner had filed WP.No.12152 of 2024. This Court, by order dated 24.02.2025, set aside the order passed by the 1st respondent dated 09.02.2024 and remitted the matter back for fresh consideration. It was also made clear that before passing any fresh orders, the petitioner must be given an opportunity of personal hearing to put forth his case. However, without complying with the directions of this Court and without giving an opportunity to the petitioner to put forth his case, the 1st respondent had passed the impugned order dated 04.06.2026, rejecting the petitioner's claim. Challenging the same, the petitioner is before this Court.



6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents 1 and 2 and perused the records.

7. The petitioner's request for regularisation has been rejected on the ground that the petitioner has not put in 480 days of continuous work within a period of 2 years.

8. Earlier the petitioner had filed WP.No.12152 of 2024 seeking regularization, challenging the request of rejection of his regularization. In the said Writ Petition a counter affidavit has been filed by the respondent wherein they had tabulated the period for which the petitioner had worked and the same is hereinbelow extracted as follows:-

Period in which the Petitioner was engaged on daily wages		Remarks	Payment mode
From	To		
April 1997	September 1998		
October 1998		<i>Not engaged</i>	
Nov 1998	February 2002		
March 2002		<i>Not engaged</i>	



April 2002	February 2004		Voucher payment through Institute
March 2004	July 2017	<i>Not engaged / out of employment for 13 years</i>	
August 2017	November 2017		
Dec 2017	November 2018	<i>Not engaged / out of employment</i>	
Dec 2018	June 2019		
July 2019	10.03.2023	Engaged through outsourcing Agencies	

9.A mere perusal of the same would clearly indicate that the petitioner had worked for a period of 1270 days in the last spell from July 2019 to 10.03.2023. Further, it is seen that for certain periods there are no remarks and the remarks appear to have been erased by applying a whitener.

10.The Hon'ble Supreme Court, in ***SLP (C) No. 5580 of 2024 – Jaggo vs. Union of India and Ors.***, while considering a similar case of daily-wage workers who had rendered several years of service but whose services had not been regularized labelling them as a part time workers, referred to its earlier judgment reported in ***(2006) 4 SCC 1 – The Secretary, State of Karnataka vs. Uma Devi***. In that judgment, the Hon'ble Supreme Court had deprecated the



practice of backdoor entries into employment and distinguished between illegal and irregular appointments.

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11.The Hon'ble Supreme Court observed that employees in irregular appointments, who had been engaged in sanctioned posts and had rendered continuous service for over ten years, were to be considered for regularization as a one-time measure. However, this dictum has been sought to be applied even to employees whose appointments were not illegal, but suffered only from non-compliance with procedural formalities, by contending that regularization is permissible only as a one-time measure. Applying the principles laid down in ***Uma Devi's*** case (cited supra), the Hon'ble Supreme Court held as follows:

“27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to



follow, thereby contributing to the overall betterment of labour practices in the country.”

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12. Ultimately, the Hon’ble Supreme Court had quashed the termination orders and directed that the appellants be taken back to duty forthwith and their services were regularized.

13. That apart, in the earlier Writ Petition (WP.No.12115 of 2024), this Court had passed the following orders:-

“6. In view of the above reasons, the impugned order is set aside and the matter is remitted back to the first respondent to consider the judgment of the Hon’ble Supreme Court and thereafter pass appropriate orders relating to the service conditions of the petitioner herein. Before passing any fresh orders, the first respondent must give an opportunity of being heard to the petitioner who may explain the circumstances under which he had initially joined as office assistant and the work discharged by him during his employment as office assistant. Any written representation by the petitioner may also be received by the first respondent before further orders are passed. The first respondent may pass fresh orders within a period of three months from the date of receipt of a copy of this order.”



However, the impugned order has been passed without giving the petitioner an opportunity of personal hearing as directed.

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14. In the light of the above discussion and taking note of the fact that the petitioner had, in one spell, worked continuously from July 2019 till 10.03.2023 for a period of 1270 days, the Writ Petition is allowed. The impugned order is set aside. The respondents are directed to permit the petitioner to join duty as an Office Assistant forthwith. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

11-03-2026

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

SHR

To

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