



WEB COPY

W.P. No.32607 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-03-2026**

CORAM

**THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

**W.P. No.32607 of 2022**

**and**

**W.M.P. No.32021 of 2022**

S.Shanmugam  
S/o. P. Subramani  
No.111, New Street, Mohanoor,  
Namakkal District.

..Petitioner(s)

Vs

1. The Principal Secretary to the Government  
Rural Development and Rural Department,  
Fort St.George, Chennai-600 009.
2. The Director,  
Rural Development and Rural Department,  
Panagal Building, Saidapet, Chennai-600 015.
3. The District Collector,  
District Collector Office, Namakkal District.
4. The Commissioner,  
Mohanoor Panchayat Union, Mohanoor,  
Namakkal District.

..Respondent(s)

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Na.Ka. No.V / 2 / 11357 / 2021 dated 24.06.2022 by quash the same and consequently direct the respondents to consider his application for reguarization of service in the 4th respondent Panchayat Union.



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For Petitioner(s):

M.E.Rani Selvam

For Respondent(s):

Mr.V.Jeevagiridharan

Additional Government Pleader (for R1 to R3)

Mr.T.Arunkumar

Additional Government Pleader(for R4)

### **ORDER**

The writ petition is filed challenging the impugned order passed by the 3rd respondent dated 24.06.2022 insofar as it rejects the petitioner's request / application for regularisation of service under the 4th respondent Panchayat Union.

2. It is stated that the impugned order was issued on the premise that petitioner does not fall within the purview of G.O.Ms.No.55 issued by the Rural Department and Panchayat Department dated 15.06.2006. It is stated that the above G.O. came to be issued while dealing with the request for appointment in Panchayat Union persons engaged in hand pump maintenance works continuously for decades under grade pay and permanent job. The above G.O. provided that persons working as Fitter Helpers appointed from 1981 to 01.04.1987, based on eligibility were to be appointed in the vacant post of Night Watchman or Office Assistant Post in Panchayat Union subject to the conditions contained therein. The relevant portions of the Government Order is extracted hereunder:

*“4. The Government has carefully considered the above*



*recommendation of the Director of Rural Development and Panchayat Raj. After deep consideration the Government orders among the 978 persons working as Fitter Helpers 933 persons alone appointed from 1982 to 1.4.1997 based on eligibility be duly appointed in the vacant posts of Night Watchman and Office Assistant posts in panchayat union subject to the following condition.*

*a) Fitter helpers appointed from 1982 to 1.4.1997 from the day each of them completed 10 years service without any interruption, for appointing them as Night Watchman as Office Assistant and bringing them under Grade pay and regularizing their services, power is given to concerned District Collectors.*

*b) Though the Fitter Helpers are posted as Night Watchman or Office Assistants, for proper functioning of Drinking water supply works shall attend to help the repair works in Panchayat Unions carried out by the Fitters.*

*c) All the monetary benefits available on regularization of Fitter, Helpers job shall be paid from the date of issue of the Government order. No pay arrears will be paid.*

*d) While appointing and regularizing Fitter Helpers as Office Assistant or Night Watchmen if relaxation of any Rule is required director is requested to send proposal based on due Rules to Government seeking relaxation of Rule.*

*e) This order will apply to Fitter Helpers appointed from 1982 to 1.4.1997 period only. Fitter helpers appointed after 1.4.1997 are to be paid on daily wages basis only.*

*f) If there is not enough vacancies for the Fitter helpers in the concerned Districts after obtaining consent of the concerned*



*employees only appointment for them in the nearby Districts be made.*

g) *The employees regularized under this instance are to be brought under Contributerily Pension Scheme.”*

3. On the basis of the above Government Order that it is only meant for those persons appointed between 1982 to 01.04.1997, the request of the petitioner for regularisation was rejected. Learned counsel for petitioner would submit that G.O.Ms.No.55 dated 15.06.2006 had been considered by a Division Bench of this Court and it was held that though the above G.O. only extends the benefits of regularisation of service for those Fitter Helpers appointed from 1982 to 01.04.1997, however, even in cases where the employment is subsequent, there is a need to regularise the services of the temporary / daily rated employees if it is shown that the nature of work was permanent and they had served for more than 10 years. The relevant portions of the order is extracted hereunder:

*“21. The Hon’ble Supreme Court even after the judgment in Umadevi had held that in appropriate cases, it will be open to regularise the services of temporary daily rated employees, if it is shown that the nature of work done by them was permanent and they were served for more than 10 years. This Court has also issued several directions in this regard.”*

4. It is further submitted by the learned counsel for petitioner that the



nature of work done by petitioner was permanent and the petitioner has been working for the Panchayat Union for close to 24 years. The above order has also been complied with.

5. In that view of the matter, the matter is remanded back to the respondent authorities to consider petitioner's request in the light of the Division Bench order and any other order. It is open to the petitioner to submit any relevant documents including service record to substantiate their case that the nature of their work was permanent. The above exercise shall be completed by the respondent authorities within a period of six weeks from the date of receipt of a copy of this order, after issuing notice and affording an opportunity of hearing to the petitioner.

6. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**18-03-2026**

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



To:

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Fort St. George, Chennai-600 009.

2. The Director,  
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3. The District Collector,  
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4. The Commissioner,  
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Paramathi Namakkal District.



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**MOHAMMED SHAFFIQ J.**

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