



W.P.No.34732 of 2

1.The Secretary to the Government of Tamilnadu (FAC)
Human Resources Management (M) Department,
Secretariat,
Chennai – 600 009.

2.The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road,
Chennai – 600 003.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records in so far as to negating the right of the petitioners to get the monitory benefits from the date of regularization in G.O.(Ms) No.102, Human Resources Management (M) Department on 16.11.2023 issued by the 1st respondent and consequential rejection memo No.209/PD -E2/2023 dated 03.09.2024 issued to the petitioners individually by the 2nd respondent and quash the same and direct the respondents to issue orders granting monitory effect from the date of regularization of the petitioners.



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For Petitioner : Mr. R.Ramachandran

For Respondent 1 : Mr.T.Chandrasekaran
Special Government Pleader

For Respondent 2: Ms.Ra.Parkavi
For Mr.B.Vijay

ORDER

This writ petition is filed for the following relief:

“To call for the records in so far as to negating the right of the petitioners to get the monitory benefits from the date of regularization in G.O.(Ms) No.102, Human Resources Management (M) Department on 16.11.2023 issued by the 1st respondent and consequential rejection memo No.209/PD -E2/2023 dated 03.09.2024 issued to the petitioners individually by the 2nd respondent and quash the same and direct the respondents to issue orders granting monitory effect from the date of regularization of the petitioners.”



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2. The petitioners were appointed on a daily wage basis in the 2nd respondent office through employment exchange and paper advertisement. It is submitted that the 1st petitioner challenged G.O.Ms.No.49, P&AR (M) Department dated.20.05.2014 and consequential proceedings No.4707 PD-E2/2010 dated 19.06.2014 issued by the 2nd respondent fixing the special time scale in the scale of pay of Rs. 1300-3000+300 on 25.05.2014 stating that the individuals did complete more than 3 years of service as sanitary worker in the 2nd respondent office. This Court in W.P No.5161 of 2017 quashed the said GO issued by the 1st respondent and consequential proceedings of the 2nd respondent dated 19.06.2024.

3. Accordingly, the 1st respondent issued G.O.Ms.No.102, Human Resources Management (M) Department dated 16.11.2023, regularizing services of the 1st petitioner from 01.01.2009 on completion of 10 years of service. With regard to other petitioners the 1st respondent directed the 2nd respondent to regularize their services after proper verification.



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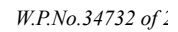


4. Challenging the same, the petitioners are before this Court.

5. Heard the learned counsels on the either side and perused the records.

6. The issue on hand is whether the benefits should be fixed notionally from the date of regularisation or from the date of order directing the regularisation. In the case on hand, the petitioners have been appointed on a daily wage basis as given below:

S.No	Name (Tvl)	Date of appointment	asMethod	of
1	K.Kamaraj	05.10.1998	Daily wage employees	appointment
2	E.Saroja	20.08.2001	Employment	Exchange
3	D.Krishnaveni	21.08.2001	Employment	Exchange
4	S.Jagala	21.08.2001	-do-	-do-
5	D.S.Malathi	01.02.2007	Direct Recruitment	through paper advertisement
6	K.Selvi	01.02.2007	-do-	-do-
7	I.Manokari	01.02.2007	-do-	-do-
8	E.Jayalakshmi	01.02.2007	-do-	-do-



Sl.No	Name	Date of Joining	Date of Regularisation
1	E.Saroja	20.08.2001	20.08.2011
2	D.Krishnaveni	21.08.2001	21.08.2011
3	S.Jagala	21.08.2001	21.08.2011
4	D.S.Malathi	01.02.2007	01.02.2017
5	K.Selvi	01.02.2007	01.02.2017
6	I.Manokari	01.02.2007	01.02.2017
7	E.Jayalakshmi	01.02.2007	01.02.2017

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were regularised with effect from completion of period of 10 years but the pay and other benefits would be notionally fixed from the date of regularisation. The respondents have erroneously proposed that the pay and other allowances would be fixed from the date of regularisation.

9. In GO.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, orders have been issued with reference to regularising the service of the daily workers. In the said Government Order it was made that where there is relaxation of rules monetary benefit would be from the date of issue of the orders. In the case on hand, there has been no relaxation and the petitioners have been regularised on the date they ought to be regularised. Therefore, the respondents cannot direct that the pay and other benefits would be apply only from the date of the order.

10. In view of the above observation, the impugned order dated 16.11.2023 and the consequential order dated 03.09.2024 are quashed. The respondents are directed to issue orders granting monetary effect from the date of regularization of the petitioners, within a period of 6



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weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

17.03.2026

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To

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