



Writ Petition No.45014 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
19.02.2026

PRONOUNCED ON
06.03.2026

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

Writ Petition No.45014 of 2025
and W.M.P.No.50177 of 2025

1.The Union of India,
Represented by the Government of Puducherry,
Through its Secretary, Health Department
Puducherry.

2.The Director,
Indian System of Medicine & Homeopathy
Puducherry.

... Petitioners

Vs

1.Dr.Jeeva Anand, BAMS
2.Dr.T.Ramaswamy, BAMS
3.Dr.S.Sadagopan BSMS
4.A.Sevarkodiyan, BHMS
5.Dr.R.Priya, BAMS
6.Dr.G.R.Rajesh, BHMS
7.Dr.S.Thiagarajan, MD (Siddha)
8.Dr.B.Gayatri, BSMS
9.Dr.J.Hemalatha, BSMS
10.Dr.B.Dhanalakshmi, BHMS MD
11.Dr.B.Rajalakshmi, BSMS

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- 12.Dr.T.T.Angana, BAMS
- 13.Dr.Deepthi Maria, BAMS
- 14.Dr.K.Raman, BAMS
- 15.Dr.J.Lavanya, BAMS
- 16.Dr.Renju Mathews, BAMS
- 17.Dr.H.Saravanan, MD
- 18.Dr.R.Kankeyan, BAMS

19.Union Public Service Commission,
Represented by the Member Secretary,
Dholpur House, Shahjahan Road,
New Delhi – 110 069.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records relating to the impugned order passed by the Central Administrative Tribunal, Chennai Bench in Original Application No.310/00687 of 2018 dated 19.11.2024 and quash the same and pass further orders.

For Petitioners : Mr.A.R.L.Sundaresan
Additional Solicitor General of India
assisted by Mr.R.Syed Mustafa
Special Government Pleader (Pondy)

For Respondents: Mr.L.Chandra Kumar
assisted by Mr.P.Kannan Kumar
(for RR1 to 5, 7, 9 to 11)

: Mr.Navod Prasannan
(for RR6, 12 to 16)

: Mr.V.Chandrasekaran for R19



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ORDER

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

This writ petition has been filed by petitioners challenging the order of the Tribunal passed in O.A.No.310/00687 of 2018, dated 19.11.2024.

2. Heard Mr.A.R.L.Sundaresan, learned Additional Solicitor General of India assisted by Mr.R.Syed Mustafa, learned Special Government Pleader (Puducherry) for the petitioners, Mr.L.Chandra Kumar, learned counsel assisted by Mr.P.Kannan Kumar, learned counsel appearing on behalf of respondents 1 to 5, 7, 9 to 11, Mr.Navod Prasannan, learned counsel appearing on behalf of respondents 6, 12 to 16 and Mr.V.Chandrasekaran, learned counsel appearing on behalf of nineteenth respondent.

3. Mr.A.R.L.Sundaresan, learned Additional Solicitor General appearing on behalf of the petitioners would submit that the private respondents 1 to 18 herein were employed as Ayurveda Physicians, Siddha Physicians and Assistant Surgeons (Homeopathy) with the second petitioner herein and were serving in the Government General Hospitals and Primary



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Health Centers in Puducherry. They were initially appointed on short-term contract basis pursuant to the advertisement issued and orders of appointment were issued confirming the continuous service from the date of their initial appointments.

4. A proposal had emanated from the petitioners to the 19th respondent for approval of their appointments on regular basis as a one time measure with prospective effect. The same was rejected by the 19th respondent and again a proposal was resubmitted on 28.12.2016 with additional informations and clarifications seeking regularisation. The second proposal was also rejected by the 19th respondent on 07.03.2018. Challenging the said rejection orders passed by the 19th respondent, respondents 1 to 18 had approached the Central Administrative Tribunal seeking to quash the order of rejection and to direct the 19th respondent to assess the suitability of the applicants and accord approval to the appointment of the applicants from the date of their initial appointment to the respective posts with all other consequential benefits.



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5. He would submit that the Tribunal under the impugned order by relying upon the judgment of the Hon'ble Apex Court in ***Kailash Ben T. Solangi's*** case dated 11.05.2023 and a further order of the Tribunal in O.A.No.1645 of 2014 dated 02.07.2014 and a judgment of this Court in the case of ***Vetenary Assistant Surgeons of Puducherry Government*** dated 25.10.2024 which confirmed the order of the Tribunal in O.A.No.333 of 2012 dated 17.12.2014, the Tribunal had wholly over-looked the fact that the Hon'ble Apex Court's judgment had been given in peculiar circumstances of that case and the same had been specifically held not to be taken as a precedent in case of other contractually appointed employees.

6. He would submit that the respondents were only engaged on a contract basis and the proposal for regularisation had been rejected by the 19th respondent. He would further submit that the private respondents were not engaged after following due selection process, such as inviting applications from the candidates from all over the Country and there was no reservation that had also been followed. Hence, the learned Additional Solicitor General seeks indulgence of this Court to the order impugned herein.



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7. Countering his arguments, Mr.L.Chandra Kumar, learned counsel appearing on behalf of respondents 1 to 5, 7, 9 to 11 would submit that a Division Bench of this Court in W.P.No.27655 of 2015 in the case of Veterinary Assistant Surgeons within the Union Territory of Puducherry had upheld the orders of the Tribunal where directions were issued to regularise the service of contractually engaged Veterinary Assistant Surgeons. He would submit that the Division Bench judgment had been appealed against by the Government and the Hon'ble Apex Court considering the peculiar circumstances of the case, was not inclined to entertain the Special leave petition. He would submit that the facts of the case is similar to that of the judgment of the Division Bench and that the judgment of the Hon'ble Apex Court that had been relied upon, even though was directed to be not be treated as a precedent, was also on the similar set of facts and hence, there is no infirmity with the Tribunal in relying upon the said judgment to grant relief to the private respondents.

8. He had also further relied upon a further judgment of the Hon'ble Apex Court in SLP.Civil No.30762 of 2024 dated 30.01.2026, wherein, the Hon'ble Apex Court holding that the State was not justified in continuing



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the contractual engagement for over a decade, had further held that abrupt discontinuance of such long standing engagement solely on the basis of the contractual nomenclature is manifestly arbitrary and violative of Article 14 of the Constitution and issued directions to regularise the services of the contractually engaged employees against the sanctioned post in which they were initially appointed, together with consequential service benefits accruing from the date of the judgment. Therefore, he would submit that in the present case, the private respondents have all been engaged on contractual employment for over a decade would also be entitled to a similar relief granted by the Hon'ble Apex Court in its latest order. Hence, he seeks dismissal of the Writ Petition.

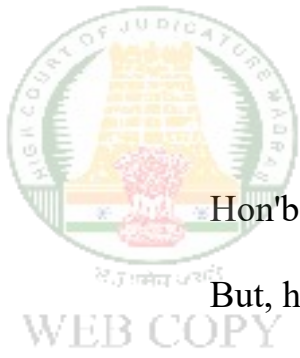
9. Mr. Navod Prasannan, learned counsel appearing on behalf of the respondents 6, 12 to 16 reiterating the arguments of Mr.L.Chandrakumar would further submit that the petitioners herein had infact favoured the regularisation of the private respondents which was rejected by the 19th respondent. Only the order of rejection of proposal of the petitioners by the 19th respondent came to be challenged by them before the Tribunal and the same had been set aside. The 19th respondent had not challenged the order of



the Tribunal but, however the petitioners have challenged the same. Having made the recommendations to regularise taking into account the continuous employment of the private respondents who are also fully qualified to be appointed in a sanctioned posts, the petitioners are estopped in maintaining the Writ Petition. Hence, he seeks dismissal of the Writ Petition.

10. We have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

11. The Tribunal had relied upon a judgment of the Hon'ble Apex Court and also a judgment of this Court in coming to a conclusion the respondents were entitled to the relief that they have prayed for. A serious contention with regard to the reliance placed upon by the Tribunal on the judgment of the Hon'ble Apex Court had been made contending that the said judgment was made in peculiar facts and circumstances of the case exercising its power under Article 142 of the Constitution of India and it had been categorically indicated by the Hon'ble Apex Court that the same should not be taken as a precedent in the case of other contractually appointed employees. It is true that when such an observation had been made by the



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Hon'ble Apex Court, the same ought not to have been taken as a precedent.

But, however it is to be noted that a Division Bench of this Court in a similar case concerning the Veterinary Assistant Surgeons in the Government of Puducherry had passed similar orders confirming the judgment of the Tribunal which had granted such regularisation. It is to be noted that the Special Leave Petition filed against the aforesaid judgment had been dismissed by the Hon'ble Apex Court by its order dated 22.08.2025 made in SLP.Civil Diary No.19718 of 2025.

12. Reliance had also been made by the private respondents on the judgment of the Hon'ble Apex Court in the Civil Appeal arising out of the SLP (Civil) No.30762 of 2024 in the case of ***Bhola Nath & Others Vs State of Jharkhand & Others***. The Hon'ble Apex Court in the aforesaid judgment had framed two issues which are as follows:-

“ISSUES BEFORE THIS COURT:

8. Having heard learned senior counsel for the appellants and learned counsel for the respondents, the following issues arise for our consideration: -

I. Whether the judgments passed by the High Court



warrant interference by this Court in exercise of its jurisdiction under Article 136 of the Constitution of India?

II. Whether the action/inaction of the respondent-State in not recognizing the appellants' continuous service for the purpose of regularization is arbitrary and violative of Article 14 of the Constitution of India?..."

13. Dwelling upon issue No.1, the Hon'ble Apex Court had concluded that such examination by it should be made on the touch stone on equity principles enshrined in the Constitution which obligates the State to act as a mode employer and take a decision free from arbitrariness. Proceeding on issue No.2, the Hon'ble Apex Court had also dealt with ***Uma Devi's*** case which had been reported in ***(2006) 4 SCC 1*** and had held that the Doctrine of Legitimate Expectation applies to only those temporary, contractual or casual employees whose engagement was not preceded by a proper selection process in accordance with the Rules. Further dealing with the issue, the Hon'ble Apex Court had expressed its concern of such contractual employees and the long dedicated service rendered by such contractual employees, which also has a constrain on them to avail the employment

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opportunities particularly because of their age. Even though, the Hon'ble Apex Court in the aforesaid judgment had deprecated the practice of continuing contractual employment in a sanctioned vacant post, it had also held that the State cannot rely on contractual labels or mechanical application of *Uma Devi's* case to justify the prolonged *ad-hocism* or to discard long serving employees in the manner inconsistent with manner, dignity and constitutional governance. The Hon'ble Apex Court analysing all the aforesaid factors had directed the State to legalise the service of all contractual staffs appointed against the sanctioned post to which they were initially appointed and had also entitled them with consequential service benefits accruing from the date of such judgment.

14. In the present case, the private respondents have all been admittedly appointed on contractual basis pursuant to the selection process by inviting applications and had been working for more than a decade. The Tribunal had also only directed regularisation and had specifically held that such regularisation would not entitle them to any arrears of pay or other monetary benefits from such regularisation as ordered, but such service could be treated as regular service for the purpose of pension and other

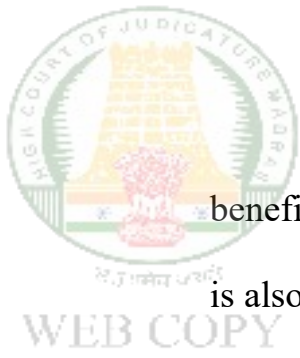


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retirement benefit. Applying the ratio of the Hon'ble Apex Court laid in the case of ***Bola Nath's*** case which has been discussed above, we do not find any necessity to interfere with the order of the Tribunal, even though we have uphold the same on different reasonings.

15. But, however, we have also noted that the Tribunal had granted the monetary benefits on and from 01.06.2023. There is no nexus in fixing such a date and the reason for fixing such a date would only be attributed to the judgment of the Hon'ble Apex Court in Civil Appeal Nos.13999-14000 of 2015. The said judgment came to be delivered in the month of May 2023 and the Hon'ble Apex Court had benefitted the appellants therein with monetary benefits from 01.06.2023. However, in the present case under the impugned orders, the Tribunal had granted benefits to the private respondents by its order dated 19.11.2024. Hence, we are of the considered view that the private respondents would be entitled for actual monetary benefits only from the date of the order of the Tribunal namely 19.11.2024.

16. For the aforesaid reasons, the Writ Petition fails and accordingly dismissed, however, subject to modification of the payment of monetary



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benefits as indicated above. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to cost.

(C.V.K.,J.) (K.B., J.)
06.03.2026

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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C.V. KARTHIKEYAN., J.
and
K.KUMARESH BABU.,J.

Gba

A Pre-delivery judgment made in
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