



W.A.No.493 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.493 of 2026

Assistant Director of Town Panchayat
Coimbatore Region, Coimbatore. .. Appellant

Vs.

1. Pachaimuthu
2. Executive Officer
Komaralingam (I Grade) Town Panchayat
Komaralingam, Coimbatore District. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.34219 of 2012 dated 24.09.2024.

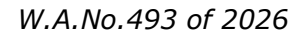
For the Appellant : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.C.Selvaraj
Additional Government Pleader

For the Respondents : Mr.R.Neethiperumal
Government Advocate
for R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 24.09.2024 made in W.P.No.34219 of 2012.



3. Therefore, he had made a request to the appellant Department, which had been turned down by the order dated 01.07.2011, where, the Office of the Assistant Director of Town Panchayat of the Coimbatore Zone passed the following orders:-

According to the G.O. As cited in reference 1, an evaluation of the work in the municipality is being done and information regarding the creation and reduction of posts in necessary areas is coming from the Government's review.

In this context, it is being communicated that there is No Provision to regularized as per the Government's rules to bring the services of the petitioners Thiru.Muthusamy and Mr.Pachaimuthu to Time Scale of Pay."



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Except this reason, nothing has been stated for rejecting the plea of the first respondent/writ petitioner to bring him under regular time scale of pay.

4. Challenging the same, he filed the writ petition in the year 2012, however, the said writ petition was pending till the year 2024 and it was disposed by the impugned order of the Writ Court dated 24.09.2024.

5. The only reason that has been cited by the appellant Department while passing the order dated 01.07.2011 to reject the plea raised by the first respondent/writ petitioner for extending the benefit of time scale of pay at least from the year 2006 on par with the other similarly placed persons was that, there has been no provision to regularize as per the Government Rules, as the issue of evaluation of the workers in the Municipality is being done by the Government and the Government is yet to come out with a final tally with regard to the creation and reduction of posts, based on the necessity and therefore, once the Government comes out with the same, it could be decided and hence, as of now, there is no scope for considering the plea of the first respondent/writ petitioner



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for extending the benefit of time scale of pay. Except this reason, nothing has been stated.

6. The learned Judge, having considered all these aspects, especially in the context of G.O.Ms.No.198, whereby, such regularization would be possible after rendering three years of service to any temporary employees like the first respondent/writ petitioner and after regularization, they can be brought under the regular time scale of pay as per G.O.Ms.No.198. However, because of the ban that was imposed by the Government between 2001 and 2006 and after lifting the ban in the year 2006, since these kinds of measures have been taken to extent the benefit of time scale of pay to similarly persons, at least from the year 2006 the benefit could be extended to the first respondent/writ petitioner. When this was asked, the same was rejected through the order impugned before the Writ Court dated 01.07.2011. Therefore, the said order would not sustain was the conclusion reached by the learned Writ Court through the order impugned dated 24.09.2024 and thereby, the writ petition was allowed through the order impugned.

7.1. Assailing the same, *Mr.R.Neelakandan*, learned Additional Advocate General appearing for the appellant would contend that, it



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is not only on the basis of G.O.Ms.No.198, also on the basis of the subsequent Government Order dated 10.12.2009 in G.O.Ms.No.242, Municipal Administration and Water Supply Department, whereby, it has been stated that, insofar as technical qualification and educational qualification is concerned, exemption cannot be granted for regularizing the services of these temporary employees or consolidated pay employees and to extent the benefit of time scale of pay. Therefore, in view of G.O.Ms.No.242 of the Municipal Administration and Water Supply Department dated 10.12.2009, the said benefit of time scale of pay cannot be granted to the first respondent/writ petitioner by the Director of Town Panchayat.

7.2. The same was not considered by the learned Judge, as the issue has not been properly projected before the Writ Court, therefore, the learned Additional Advocate General made an attempt before this Court by citing G.O.Ms.No.242, stating that the benefit of time scale of pay cannot be extended to the first respondent/writ petitioner.

8. We are not impressed with the said submission made by the learned Additional Advocate General for the simple reason that, first of all, in G.O.Ms.No.242, there has been no reference about



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G.O.Ms.No.198, except a reference to G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.02.2006. Secondly, even in G.O.Ms.No.198, with regard to the qualifications, the employees who are engaged for various jobs like the Over-Head Tank and Ground-Level Tank Operators, Watchman, etc., though the educational qualification has been prescribed as 8th Standard, the same can very well be relaxed in view of Condition No.(v) of Paragraph No.2, where, the following has been stated:- *"If they do not have required educational qualification and technical qualification, orders from Director of Municipal Administration/Director of Town Panchayat may be obtained for relaxation of Rules ..."*. Therefore, relaxation is possible within the meaning of G.O.Ms.No.198, where, it has been specifically stated that NMRs will be appointed on serving for long period after selection by the employment exchange on priority basis.

9. These people since have been selected and appointed, even on temporary basis, on consolidated pay basis in the year 1988 and had been working for several years, they are entitled to get regularized and therefore, when they are making such regularization and giving the benefit of time scale of pay, by relaxing with regard to the technical or educational qualification, if it



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is necessary, that could also be granted by the Director of Municipal Administration or Director of Town Panchayat, as the case may be, as has been provided under G.O.Ms.No.198 itself.

10. The said provisions that have been made in G.O.Ms.No.198 have not been superseded by G.O.Ms.No.242 dated 10.12.2009. Therefore, citing G.O.Ms.No.242, the arguments advanced by the learned Additional Advocate General for denying the benefit of time scale of pay to the first respondent/writ petitioner cannot be accepted. Even though this reason has not been specifically canvassed before the learned Single Judge, assuming that it is a continuous process of writ petition, where these kinds of grounds have also been raised by the appellant Department, even the ground now raised by the learned Additional Advocate General cannot be accepted by this Court for the reasons which we have discussed hereinabove.

11. Moreover, the first respondent/writ petitioner, been worked for thirty three years, that is from 1988 till 2021, till the date on which he attained superannuation, continuously he had been working without any break and his work has been fully extracted by the employer. When that being so, after thirty three



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years of service, his initial appointment on the basis of the required educational qualification cannot be questioned and in that case, relaxation can very well be granted either by the Government or by the Head of the Department, namely the Director of Town Panchayat.

12. When that being the position, we are not inclined to entertain this writ appeal and thereby, the order passed by the Writ Court since has to be sustained, accordingly, it is sustained and since writ appeal fails, the same has to be dismissed and hence, it is dismissed with a direction to the appellant to implement the orders passed by the Writ Court through the order impugned within a period of eight weeks from the date of receipt of a copy of this order.

13. It is made clear that, even in case any relaxation has to be obtained from the State Government, that is the Secretary to the Government of the concerned Department, such relaxation also shall be received within the said period by the Director of Town Panchayat from the Government and based on which, the benefit of time scale of pay shall be extended to the first respondent/writ petitioner from the date of other similarly placed persons, who had



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received such benefits from the year 2006 and accordingly, his difference of pay with backwages and all other service and monetary benefits shall be calculated and paid to him within the period of the said eight weeks' time and accordingly, this writ appeal is dismissed with the aforesaid directions and without any order as to costs. Consequently, C.M.P.No.4851 of 2026 is closed.

(R.S.K., J.) (S.S.A., J)
24.02.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No
(drm)

To:

1. Assistant Director of Town Panchayat
Coimbatore Region, Coimbatore.
2. Executive Officer
Komaralingam (I Grade) Town Panchayat
Komaralingam, Coimbatore District.



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R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

(*drm*)

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