



WEB COPY

WA No. 417 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 16-02-2026**

CORAM

**THE HON'BLE MR JUSTICE R. SURESH KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE SHAMIM AHMED**

**WA No. 417 of 2026**

**AND**

**CMP NO. 3836 OF 2026**

1. The State Of Tamil Nadu  
Principal Secretary To Government Rural  
Development And Panchayat Raj Department,  
Fort St. George,  
Chenani 600 009.
2. The District Collector  
Tirupathur Dist 635601

..Appellant(s)

Vs

K Raja

..Respondent(s)

Prayer:- Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed by this Honble Court in WP.No.16542 of 2024 dated 28-07-2025.



For Appellant(s): Mr.S.Yaswanth, Additional Government  
Pleader

For Respondent(s): G.Bala and daisy

### **JUDGMENT**

**(Judgment of the Court was delivered by R.Suresh Kumar J.)**

This intra-court appeal has been filed against the order dated 28.07.2025 passed by the learned Writ Court in W.P. No. 16542 of 2024. The respondent herein was the writ petitioner, who was initially appointed on a temporary basis in the year 1998 and was subsequently regularized in the year 2012. Having completed ten years of service, his regularization was effected accordingly.

2.However, all of a sudden, by citing the Government Order in G.O.(Ms) No.69, Rural Development and Panchayat Raj (E5), dated 06.08.2012, the services of the writ petitioner/respondent were terminated, stating that under the said G.O.(Ms) No.69, only those who had been appointed temporarily in the year 1997 or prior to 1997 alone would be entitled to the benefit of regularisation, as has been provided under the said G.O.(Ms) No.69, dated 06.08.2012. Therefore, those who had been appointed subsequent to 1997 were not entitled to the benefit of regularisation under G.O.(Ms) No.69. Since the



writ petitioner/respondent had been appointed in the year 1998, the appellant department took the stand that he was not entitled to regularisation and consequently rejected the plea raised by the writ petitioner, which was under challenge before the writ court.

3.Before the writ court, the said order dated 13.06.2022 passed by the appellant department was questioned. Though it was contended on behalf of the employer/appellant that the benefit under G.O.(Ms). No.69 could not be extended to those who had been appointed subsequent to 1997, the said contention was rejected on two grounds.

4.First, insofar as the classification made to extend the benefit only to those who had been appointed in the year 1997 or prior to 1997 is concerned, such classification was held, not based on any intelligible differentia. Hence, on the basis of such an artificial classification made under G.O. No.69, the benefit that had been extended to and enjoyed by appointees who had secured appointment in the year 1997 could not be denied to those who had been appointed even after 1997, like the present writ petitioner/respondent.



5. Secondly, along with the writ petitioner, yet another employee, by name one Tmt. Mala was also appointed. In the list of such appointments, the petitioner was placed at Serial No.14, whereas the said Mala was placed at Serial No.12. Insofar as the case of the said Mala is concerned, a similar stand was taken by the employer, which was questioned before this Court by filing W.P. No.18291 of 2022 in the case of *Mala vs. State of Tamil Nadu and others*. The said writ petition was allowed by a Division Bench of this Court by order dated 22.04.2024, wherein the relevant portion of the order reads as under:

*“21. For the reasons stated above, we prefer to follow the decision of Division Bench in M. Shanmugam-s case above referred to. Therefore, the impugned order dated 06.07.2022 passed by the third respondent is set aside and the writ petition is allowed. The respondents are directed to reinstate the petitioner from the date of her appointment and to grant all other service benefits that are extended to all other persons vide G.O.Ms.No.69 dated 06.08.2012.*

*22. The reinstatement of the petitioner shall be done within a period of two weeks from the date of receipt of a copy of this order and other benefits including monetary benefits shall be provided to the petitioner within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.”*



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6. When that being the position, the order passed by the writ court allowing the said writ petition to extend the benefit of G.O. No.69 to the writ petitioner/respondent is questioned in the present writ appeal. After hearing the learned Government Pleader appearing for the appellant, we are of the view that the reasons cited both in G.O. No.69 as well as in the stand taken by the appellant department before this Court are unsustainable.

7. Assuming that if there is an artificial cut-off date fixed as the year 1997, there has been absolutely no intelligible differentia to justify fixing such a cut-off date, as has been rightly observed by the learned Judge. Moreover, though it is the prerogative of the employer to fix such a cut-off date by making a classification while issuing Government Orders in exercise of the executive power of the State under Article 162 of the Constitution, it is a settled proposition of law that such classification must have a rational nexus to the object sought to be achieved.

8. When G.O. No.69 itself is a welfare Government Order, intended to confer the benefit of regularisation upon employees who have been appointed by the department and have entered service, if a cut-off date is fixed for



extending such benefit, the classification so made by the Government must necessarily have a nexus with the object sought to be achieved.

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9. In the case on hand, in the absence of any such nexus between the classification and the object sought to be achieved, the artificial classification fixed under G.O. No.69 cannot be sustained. Therefore, on that basis, a benefit which is otherwise extendable to the writ petitioner/respondent cannot be denied. Therefore, that ground also cannot be sustained in the eye of law.

10. Moreover, the other co-employee, who had been similarly placed, had already approached this Court in W.P. No.18291 of 2022 in the case of *Mala*, cited supra. The Division Bench of this Court, by passing an exhaustive order dated 22.04.2024, allowed the said writ petition, and the relevant portions i.e., paragraphs 21 and 22, of the order have already been extracted above. Therefore, the issue raised in the present appeal is fully covered.

11. Therefore, for the aforementioned reasons, the order impugned, passed by the writ court, is sustained. Accordingly, the appeal is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.



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11. For compliance with the orders of the writ court, a period of two months is granted from today. If no compliance is made within this period, the respondent /writ petitioner is at liberty to initiate coercive action in accordance with the law.

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

**16-02-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHA/MSR

To

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