



W.A(md)Nos.299 and 3271 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 29.01.2026

Pronounced on : 09.02.2026

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

WA(MD)Nos.299 and 3271 of 2025

and

C.M.P(MD)Nos.2272 and 20421 of 2025

W.P(MD)No.299 of 2025

- 1.The State of Tamil Nadu
Through its Secretary to Government
Public Works Department
Fort St George
Chennai 600 009
- 2.The Principal Chief Engineer,
Public Works Department Cum
Chief Engineer General Public Works Department
Chepauk
Chennai 600 005
- 3.The Principal Chief Engineer
Water Sources Department Cum
Chief Engineer General Public Works Department
Chepauk
Chennai 600 005
- 4.The Assistant Executive Engineer,
Public Works Department Buildings
C M Division No 3,



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Paramakudi,
Ramanathapuram District

...Appellants/
Respondents 1,2,4 & 8

Vs

1.G Ilangovan

2.The Principal Secretary to Government
Higher Education Department
Fort St George
Chennai 600 009

3.The Commissioner of Technical Education
Directorate of Technical Education
Chennai 600 025.

4.The Chief Engineer
Public Works Department
Technical Education Circle
Chennai 25

5.The Executive Engineer
Public Works Department
Technical Education Division
Tirunelveli 7

... Respondents 2,3,4&5/
Respondents 2,5,6&7

W.A(MD)No.3271 of 2025

1.The Principal Secretary to Government
Higher Education Department
Fort St George
Chennai 600 009.

2.The Commissioner of Technical Education
Directorate of Technical Education,
Chennai 600 025

3.T he Chief Engineer,
Public Works Department



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Technical Education Circle
Chennai - 25

4.The Executive Engineer,
Public Works Department
Technical Education division
Tirunelveli - 7

... 2 to 4 Appellants/
Respondents 5, 6 & 7

Vs

1.G. Ilangovan

...2nd Respondent/1st
Respondent

2.The State of Tamil Nadu
Directorate of Technical Education
Chennai 600 025

3.The Principal Chief Engineer
Public Works Department
Technical Education Circle
Chennai 25

4.The Principal Chief Engineer
Water Sources Department cum Chief Engineer (General)
Public Works Department
Chepauk
Chennai 600005

5.The Assistant Executive Engineer
Public Works Department
Buildings C and M Division No. 3
Paramakudi
Ramanathapuram District.

...Respondents 3,4&5/
Respondents 3,4&8

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent, praying to prefer this Memorandum of Grounds of Writ Appeal against the order dated 18.10.2024 passed by this Court in WP(MD).No.30391 of 2023.



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For Appellants :Mr.Veera Kathiravan, AAG
assisted by Mr.J.Ashok, AGP,
For R1 :Mr.VR.Shanmuganathan
For R2 to R5 :Mr.S.P.Maharajan,
Special Government Pleader
(in both W.As)

COMMON JUDGMENT

(Judgment of the Court was delivered by DR.G.JAYACHANDRAN,J.)

These appeals are directed against the order passed by the learned single Judge in W.P(MD)No.30391 of 2023, dated 18.10.2024.

2.The first respondent, G.Ilangovan, was initially appointed as NMR, Mazdoor Grade – I in Public Works Department(Building and Maintenance) on 02.01.1995. Thereafter, he was deputed to the Department of Technical Education Wing in the month of April 2005. The Government took a policy decision to regularise the service of NMRs, who had completed 10 years of service in the Public Works Department. A proposal to regularise 1056 NMRs was sent to the Government by the Public Works Department, in which, the petitioner's name, though he had completed 10 years of service, was not included. Later, when he made an enquiry, he came to know that his period of service as NMR not taken into consideration because he was working under the Technical Education Department and not under the Public



Works Department. Which in fact is not correct.

3. According to the respondent, since the Technical Education Wing was a part of Public Works Department and G.O.Ms.No.385, Education Department, dated 04.04.1989, G.O.Ms.No.334, Public Works Department, dated 19.10.2007 and G.O.Ms.No.134, Public Works Department, dated 07.05.2010 were favourably applied to similarly placed Mazdoors, he alone discriminated and hence, filed a writ petition in W.P(MD)No.2325 of 1992 seeking a writ of Mandamus to regularise his service based upon the G.Os. The said writ petition was disposed of on 04.02.2022 directing the Secretary to Government Public Works Department to take a decision on the proposal made by the Chief Engineer, Public Works Department, Technical Education Circle, Chennai, to regularise the petitioner's service in the light of the G.Os cited and to pass orders within a period of 12 weeks. However, the respondents have rejected the said proposal. Hence, the present writ petition is filed with the following prayer:

“a. Dispense with the peroduction of the original of the impugned proceedings of the first respondent in letter No. 3659/C2/2022 – 4 dated 12/12/2022 and

b. Issue a writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of Certiorarified Mandamus, calling for the records relating to



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the impugned proceedings of the first respondent in letter No. 3659/C2/2022 – 4 dated 12/12/2002 and quash the same and consequently, direct the respondents to regularize the services of the petitioner is the Public Works Department from the date of completion of his 10 years of service ie 1/1/2005 as NMR employees on par with similarly placed persons with all service and monetary benefits.”

4.The writ petition was seriously contested by the respondents/appellants stating that the writ petitioner was appointed as NMR in the office of the Public Works Department(Building and Maintenance). Only upon oral instructions of the official, he was deputed to the Technical Education Unit. The other NMRs with whom he claims parity continue to work in Public Works Department and hence, their services were regularised. Whereas, the petitioner was deputed to Technical Education Wing so he was not considered for regularisation.

5.The learned single Judge, after considering the contention of the writ petitioner and the counter filed by the department, relying upon the judgment of the Hon'ble Supreme Court rendered in **2024 INSC 624 (Ushaben Joshi - Vs- Union of India and Others)** held as below:



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“15.From the facts captured in the preceding paragraphs, it is clear that the petitioner was appointed as an NMR only in the Building and Maintenance Wing of the PWD Department and later, on oral orders, he was deputed to Technical Education Unit of PWD Department from April 2005 onwards. Therefore, it is clear that the petitioner continues to work only in the Public Works Department, though he was deputed from one wing to other wing by oral orders. A perusal of the salary paid through vouchers to the writ petitioner clearly indicate that the petitioner has been receiving salary up to June 2022 only from the Assistant Engineer, Public Works Department, Technical Education Section, Paramakudi. Therefore, the order of the first respondent herein that as if the petitioner was working in a different department is not legally sustainable.

16. 1056 NMRs were regularised under G.O.(Ms).No.334, Public Works (C2) Department, dated 19.10.2007. Another set of 985 NMRs who were working in the Public Works Department were regularised under G.O.Ms.No.134 Public Works Department dated 07.05.2010. It is not in dispute that the petitioner is similarly placed on par with other NMRs whose services were regularised under the above said Government



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Orders. The petitioner's name was not included in the said Government Order only in view of the fact that the petitioner was deputed to the Technical Education Wing of Public Works Department before the said Government Orders were passed. In such circumstances, the petitioner cannot be discriminated, when he is placed on par with other NMRs. Though other NMRs were also not recruited through Employment Exchange and were not appointed to the sanctioned post, yet their services have been regularised under the above said Government Order. Therefore, the said reason assigned by the first respondent in the impugned order has to be rejected.

17. Under G.O.Ms.No.134 Public Works Department dated 07.05.2010, the services of 985 NMRs have been regularised who were not recruited through Employment Exchange. The Service Rules have been relaxed and they have been absorbed into regular service relaxing all the conditions as per the above said Government Order and therefore, the petitioner's services have to be regularised with effect from the said date namely 07.05.2010 onwards.



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6.In view of the above conclusion , the learned single Judge directed the authorities to regularise the service of the writ petitioner with effect from 07.05.2018 on par with similarly placed persons as contemplated under G.O.Ms.No.134 Public Works Department, dated 07.05.2010 and confer all the other attendant benefits including the monetary benefits from the said date onwards and pass order within a period of 12 weeks.

7.Out of 8 respondents, the respondents 1, 3, 4 and 8 who are the Officials of the Public Works Department had jointly preferred a writ appeal in W.A(MD)No.299 of 2025. The Official respondents connected with Higher Education Department and Director of Technical Education had filed separate writ appeal in W.A(MD)No.3271 of 2025.

8.The reason for filing two different appeals challenging the same order of the learned single Judge is obvious. Though the writ petitioner fully eligible for regularisation the department wants to shift the responsibility on other department.

9.The writ petitioner, who was initially engaged as NMR in Public Works Department(Building and Maintenance), was sent to Technical Education Unit. The said Technical Education Unit of Public Works



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Department got merged with Higher Education Department subsequently and the writ petitioner was retained by the Higher Education Department. The proposal to regularise his service as per G.O.Ms.No.334 Public Works Department dated 19.10.2007 was made by Higher Education Department. Though the writ petitioner is entitled for regularisation, there was a conflicting view between the Public Works Department and the Higher Education Department, whether the writ petitioner who had initially joined the Public Works Department. Later, he was sent to the Technical Education Wing and absorbed by the Education Department will have the benefit of G.O.Ms.No.334, issued by the Public Works Department?

10.The contention of the Public Works Department is that the writ petitioner, after being deputed to the Technical Education Department, cannot claim the benefit of regularisation issued by the Public Works Department. While 1054 NMRs were regularised under G.O.Ms.No.334 Public Works Department, dated 19.10.2007 and another set of 985 NMRs were subsequently regularised under G.O.Ms.No.134 Public Works Department, dated 07.05.2010. The name of the petitioner was not included for the singular reason that he has gone on deputation to the Technical Education Wing of Public Works Department before the said G.O was passed.



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11.The learned Additional Advocate General submitted that recently the Government has taken a decision to re-merge the Technical Education Unit of the Education Department with the Public Works Department. The service of the writ petitioner is as below:

S.No.	Period	Place of Work
1.	Jan 1995 – Mar 2005	Sub- Division 3, PWD, Construction and Maintenance, Paramakudi (10 years of service in Public Works Department)
2.	April 2005 – Mar 2009	Technical Education Sub – Division, Paramakudi
3.	April 2009 – May , 2016	Technical Education Sub-Division, Tirunelveli.
4.	June 2016 – May 2024	Technical Education Sub-Division, Paramakudi

12.The writ petitioner cannot be discriminated for the reason that he had been deputed to the Technical Education Unit of Public Works Department and continue to serve in that Unit. The object of regularising the NMRs, who had put 10 years of continue service, will get defeated if such discrimination is adopted. Hence, the order of the learned single Judge directing the respondents to regularise the service of the writ petitioner with effect from 07.05.2010 on par with similarly placed persons as contemplated under G.O.Ms.No.134, Public Works Department, dated 07.05.2010, is upheld.



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13.With the above observations, these Writ Appeals stand dismissed.

No order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]
09.02.2026

Index :Yes/No
Internet :Yes
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