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W.A.(MD)NO.1059 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1059 of 2022

P.Ganesan

... Appellant / Petitioner

Vs.

1. The Principal Secretary to Government,
Public Works Department(C2),
St.George Fort, Secretariat,
Chennai.
2. The Engineer-in-Chief,
Water Resources Department
and Chief Engineer(General),
Public Works Department,
Chennai -5.
3. The Chief Engineer(Buildings),
Madurai Region,
Public Works Department,
Tallakulam,
Madurai.
4. The Executive Engineer,
Buildings(Construction and Maintenance) Circle,
Public Works Department,
Tallakulam,
Madurai.



5. The Executive Engineer,
Buildings (Construction and Maintenance) Circle,
Public Works Department,
Salai Road, Dindigul.

6. The Assistant Executive Engineer,
Buildings (Construction and Maintenance),
Sub Division, Public Works Department,
Salai Road,
Dindigul.

... Respondents / Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to set aside the order made in W.P.(MD)No.17456 of 2019 dated 22.03.2022 on the file of this Court by allowing the appeal.

For Petitioner : Mr.A.K.Baskarapandiyan

For Respondents : Mr.L.Siva,
Government Advocate.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

The unsuccessful writ petitioner is the appellant before us. The appellant joined the Public Works Department in Dindigul as a daily wager in December 1989. The proposal was sent by the second respondent to the first respondent for regularizing the appellant's services with effect from 01.07.2000. But the Government



regularized the appellant's services only with effect from 01.01.2006

by applying G.O.Ms.No.26 Personnel and Administrative Department dated 28.02.2006. However, similarly placed individuals obtained the relief of regularization on completion of 10 years of service. Taking a cue from that development, the appellant submitted representation dated 20.06.2019. Since it was not considered, the appellant filed W.P. (MD)No.17456 of 2019. The learned single Judge vide order dated 22.03.2022 dismissed the writ petition by invoking the decision of the Hon'ble Supreme Court rendered in ***State of Karnataka Vs. V.Umadevi and Others (2006 4 SCC 1)***. Aggrieved by the said dismissal order, this writ appeal has been filed.

2. After hearing the learned counsel on either side, we are more than satisfied that the issue raised the writ petition is no longer *res integra*. Our attention is drawn to the order dated ***15.06.2017 made in W.A.No.457 of 2016 etc. batch***. Paragraph Nos.4 and 5 of the said order reads as follows:-

“4. The only issue is whether the respondents are entitled to the benefit of regularisation from the date of completion of ten years of service or from



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the date of the Government Order.

5. In this regard, it would be pertinent to note that in *A.Baby Sabeena v. State of Tamil Nadu* [(2014) 6 MLJ 210], the Division Bench of this Court, holding that notional fixation of pay retrospectively without monetary benefit would not affect the Government in any manner, especially when such benefit was extended to more than 600 similarly placed persons, directed the Government to fix the pay notionally from the date of completion of ten years of services as NMRs, with monetary benefits from the date of the Government Order. When the said order has been challenged by the Government by way of Special Leave Petition in SLA(C) Nos.9122 to 9123 of 2016, the Apex Court, by order dated 29.6.2016, dismissed the Special Leave Petition and confirmed the order of the Division Bench.”

It is also submitted that this decision was subsequently implemented.

3. When similarly placed individuals had been granted relief, there is no reason to adopt a different yardstick for the writ petitioner. We direct the Government to regularize the writ



petitioner's service with effect from 01.07.2000. Such an order shall be issued within a period of twelve weeks from the date of receipt of a copy of this order. The impugned order passed by the learned single Judge is set aside. This writ appeal stands allowed. No costs.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
5th June 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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