

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 08.04.2026

Pronounced On : 02.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

WA.(MD)No.165 of 2026
and
CMP.(MD)No.1735 of 2026

1.The Principal Secretary to Government,
Backward Classes / Most Backward Classes /
Minorities and De-notified Welfare Department,
Secretariat, Chennai-9.

2.The Director of
Most Backward Classess and Minority Welfare,
Ezhilagam, Chepauk, Chennai-5.

3.The District Backward Classes
and Minorities Welfare Officer,
District Collector Office, Madurai.

... Appellants

Vs.

T.Alamelammal

... Respondent

PRAYER : Writ Appeal filed under Clause 15 of letters Patent against
the order dated 25.10.2024 made in W.P.(MD)No.20612 of 2022.



WEB COPY



For Appellants : Mr.S.P.Maharajan,
Special Government Pleader.

For Respondent : Mr.G.Chandrasekar

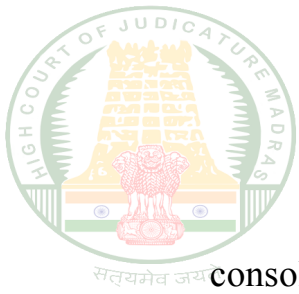
JUDGMENT

(Judgment of this Court was delivered by **M.JOTHIRAMAN J.**)

Under assail is the order passed in WP.(MD)No.20612 of 2022 dated 25.10.2024.

2.Originally the respondent/writ petitioner has filed a writ petition seeking for a Mandamus to the appellants to regularize the petitioner's service as Cook with retrospective effect in the light of the G.O(Ms)No. 19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 on par with other similarly placed person with all attendants benefits by considering the representation of the petitioner, dated 07.02.2022.

3.The case of the respondent/writ petitioner is that she was appointed as Cook through employment seniority by virtue of proceedings of third respondent herein, dated 09.07.1999 on



WEB COPY

consolidated pay of Rs.500/- per month in the vacant post and joined duty at Government Girls Hostel-BC, Koodakovil, Madurai. At present, she is working as a Cook in the Government School Girls Hostel-BC, Thirumangalam, Madurai District. The persons, who are appointed way back in the year 1997-1998 have not been paid equal salary on par with their juniors. The Government issued order in G.O(Ms)No.85 Backward Classes / Most Backward Classes and Minorities Welfare Department, dated 20.09.2007 taking a policy decision to hike the salary of Cooks, who are appointed as early as in the year 1997-1998 in the pay scale of Rs.2550-55-2660-60-3200. Pursuant to the above mentioned Government order, the respondent/writ petitioner was brought under time scale of pay with effect from 20.09.2007 and her service were also regularised. If the appellants have regularised writ petitioner's service with effect from the date of initial appointment, her pensionary benefits would not have been affected. The Government issued G.O(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 stating that the service of Cooks, who have been appointed after 31.03.1982 can be regularised retrospectively on completion of five years of service. Since the petitioner was appointed in the year 1999 on consolidated pay

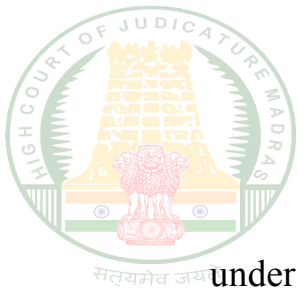


WEB COPY

and her service has been regularised not from the date of initial appointment or on the completion of five years of service in terms of the above said G.O but only from 20.09.2007 that too after lapse of eight years.

4. The Writ Court directed the third appellant herein to regularize the respondent's service as Cook with retrospective effect in the light of G.O.(Ms)No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008 on par with other similarly placed person with all attendant benefits within a period of eight weeks. Aggrieved over the same, the State has preferred the present appeal.

5. The learned Special Government Pleader appearing for the appellants would submit that G.O.(Ms)No.19, dated 07.03.2008 is not applicable to the respondent and also similarly placed persons. The respondent was appointed under consolidated pay by the appellant Board on 09.07.1999, subsequently, regularised on 20.09.2007. However, she was approached the Court, based on G.O.(Ms)No.19 dated 07.03.2008 but, the said government order relates to persons temporarily appointed



WEB COPY

under time scale of pay. The basis and conditions of appointment and the scheme of pay are all different and hence, they cannot be considered as similarly placed persons. The respondent was receiving consolidated pay and hence, the above said government order is not applicable in the light of the decision of this Court in WA.No.158 of 2016 dated 03.12.2019. The Writ Court failed to taking into consideration that the respondent's rights have never been infringed but only they have misrepresented the actual facts and also would create bad precedent and undue loss to the Government. The learned Special Government Pleader to strengthen his contention, he has relied upon the decision of Division Bench of this Court in WA.(MD)No.93 of 2026 dated 02.02.2026 to show that regularizing the service of daily wager who joined service on a consolidated pay from the date of his joining, which is not the intention of G.O.Ms.No.19, dated 07.03.2008, as it stipulates specific conditions for regularization.

6. *Per contra*, the learned counsel appearing for the respondent would submit that the Cooks, who were appointed way back in the year 1997-1998 have not been paid equal salary on par with their juniors.



WEB COPY

Taking into account the grievance of the Cooks, who were appointed earlier, the Government had issued G.O.Ms.No.85, Backward Classes/ Most Backward Classes and Minorities Welfare Department, dated 20.09.2007 taking a policy decision to hike the salary of Cooks who were appointed as early as in the year 1997-1998 in the pay scale of Rs.2550-55-2660-60-3200. In pursuance of the above said Government Order, the respondent have been brought under time scale of pay with effect from 20.09.2007 and her service was also regularised with effect from 20.09.2007. Since her service as Cook was not regularised from the date of appointment, but from 20.09.2007, that too after a lapse of 9 years from the date of initial appointment, she was put to hardship and irreparable loss. The Government issued G.O.Ms.No.19 dated 07.03.2008 stating that the service of Cooks, who have been appointed after 31.03.1982 can be regularised retrospectively on completion of 5 years of service. Since she was appointed in the year 1998 on consolidated pay and her service has been regularised not from the date of appointment or on completion of 5 years of service, she made representation to the appellants requesting them to fix time scale of pay and regularize her service with retrospective effect. To strengthen his



WEB COPY

contention, the learned counsel has relied upon the order of this Court in WP.(MD)Nos.10603 of 2020 and etc., Batch dated 01.09.2020 wherein this Court directed the Government to reconsider the case of the similarly placed persons by taking into account of Para-4(m)(M) of G.O.Ms.No. 19, dated 07.03.2008 and also to pass orders extending the benefits provided under the said G.O., for regularization of service of the employees for notional purpose.

7. We have considered the submissions made on either side and perused the records carefully.

8. It is not in dispute that the respondent was appointed as Cook through Employment Exchange on consolidated pay of Rs.500/- on 09.07.1999. The Government of Tamil Nadu has issued G.O.(Ms)No.67, Backward Classes and Most Backward Classes Welfare Department, dated 02.07.1998, granting the time scale of pay of Rs.2550-3200 to the Cooks working with the consolidated salary of Rs.500/- per month and also enhanced the consolidated salary of the Cook Assistants from Rs.100/- to Rs.500/-, with effect from 01.07.1998. Thereafter, the



WEB COPY

Government of Tamil Nadu has also issued another Government Order in G.O.Ms.No.78, dated 29.07.2005 increasing the salary of the Cooks to Rs.1000/-(Rs.850/- as consolidated pay + Rs.50/- as wage) from Rs.500/-. The Government has also issued G.O.Ms.No.85, BC/MBC and Minorities Welfare Department, dated 20.09.2007 taking decision that Cooks, who were appointed as early as in the year 1997-1998 in the pay of Rs.500/- in the pay section to Rs.2550-55-2660-60-3200. In pursuance of the above said order, the respondent has been brought into the time of scale with effect from 20.09.2007 and her service also regularised with effect from 20.09.2007. The Government has also issued government order in G.O.(Ms)No.19, dated 07.03.2008 stating that the service of Cooks, who have been appointed after 31.03.1982 can be regularised retrospectively on completion of 5 years of service. According to the respondent, since she was appointed in the year 1998 on consolidated pay, her service has been regularised not from the date of initial appointment on on completion of 5 years of service or in terms of G.O.Ms.No.19 dated 07.03.2008, but only from 20.09.2007, that too after a lapse of 9 years.



WEB COPY

9. It is to be noted that the conditions for applying G.O.Ms.No.19, BC/MBC and Minorities Welfare Department, dated 07.03.2008, where in respect of persons who had not yet been regularised, and applied only to the 553 daily wagers whose names were annexed to the Government Order. The notional regularisation with retrospective effect is applicable only to the persons who had completed five years of service as a Cook as on 21.01.1981 and for those who completed five years of service after 21.01.1981, the regularisation shall be given effect from the ensuing 1st of April of the year on the completion of five years. Except for 553 daily wagers whose names have been annexed to the Government Order, others are not entitled to the benefits of G.O.Ms.No.19, BC/MBC and Minorities Welfare Department, dated 07.03.2008.

10. It is pertinent to mention that in a similar circumstances, the Hon'ble Division Bench of this Court in WA.(MD)No.93 of 2026 dated 02.02.2026, wherein, it has been held as under:-

5. This Court, on perusing the records, finds that due to erroneous drafting of the counter affidavit received by the third respondent, who is the Joint Director of Kallar Reclamation and selective reading of the said portion, the



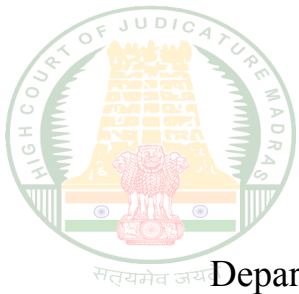
WEB COPY



learned Single Judge has mislead himself and allowed the Writ Petition. The effect of this order will be regularising a daily wager who joined service on a consolidated pay from the date of his joining, which is not the intention of G.O.Ms.No.19, BC/MBC and Minorities Welfare Department, dated 07.03.2008, as it stipulates specific conditions for regularisation. As far as this Writ petitioner is concerned, who joined service on 01.09.1999 as daily wager at Rs.500/- per day, only G.O.Ms.No.85 BC/MBC and Minorities Welfare Department dated 20.09.2007 is applicable, that has been rightly applied in his case and he has been regularised with fixation of grade pay scale.

6. In view of the above fact, the judgment of the learned Single Judge is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.As far as the respondent/writ petitioner is concerned, she joined service as Cook on 09.07.1999 on consolidated pay @ Rs.500/- per month, as daily wager. Her service was later regularised from her initial appointment on consolidated pay on 20.09.2007. The respondent has approached this Court claiming regularisation with retrospective effect in the light of G.O.(Ms.)No.19 BC/MBC and Minorities Welfare



WEB COPY

Department, dated 07.03.2008, but it is not the intention of G.O.(Ms.)No. 19, BC/MBC and Minorities Welfare Department, dated 07.03.2008, as it stipulates specific conditions for regularisation and the said Government Order relates to persons temporarily appointed under Time Scale of Pay and therefore, the respondent cannot claim any benefit under the said Government Order.

12.In view of the above discussions, the order of the learned Writ Court is liable to be set aside. Accordingly, this writ appeal is allowed and the order passed in WP.(MD)No.20612 of 2022 dated 25.10.2024, is set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[N.S.K., J.] & [M.J.R., J.]
02.06.2026

NCC : Yes / No
Index : Yes / No
gns



WEB COPY



N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN, J.

gns

Pre-Delivery Judgement made in
WA.(MD)No.165 of 2026

02.06.2026