



W.A.(MD)No.93 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2026

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD) No.93 of 2026
and C.M.P.(MD)No.1000 of 2026

1. The Principal Secretary to Government,
Backward Classes/ Most Backward Classes/
Minorities and Denotified Welfare Department,
Secretariat, Chennai 9.
2. The Director of Most Backward Classes and
Denotified Welfare Department, Ezhilagam,
Chepauk,
Chennai -05.
3. The Joint Director,
Kallar Reclamation,
Madurai.

... Appellants

-VS-

M.Balamurugan

... Respondent



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.01.2024, passed in W.P.(MD) No.21168 of 2022, on the file of this Court.

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

For Respondent : Mr.G.Chandrasekar

J U D G M E N T

[Judgment of the Court was made by DR.G.JAYACHANDRAN, J.]

This appeal is directed against the order passed by the learned Single Judge allowing the Writ Petition filed by the respondent seeking retrospective to the regularisation of his service date back to 01.09.1999, the date on which he joined as Cook Helper on a consolidated pay of Rs.500/- per month in the Government Boys Hostel (BC), Melavalavu, Madurai. Claiming that he must be given the benefit of G.O.Ms.No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008, sought for retrospective regularisation of his service from the date of joining as a consolidated daily wager. The learned Single Judge relying



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upon the counter affidavit filed by the third respondent viz., the Joint Director had allowed the Writ Petition stating that the petitioner should be treated par with others, who are covered under G.O.Ms.No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008.

2. The learned Additional Government Pleader appearing for the appellants submitted that paragraph 6 of the counter affidavit filed by the Joint Director has been pick and choose by the learned Single Judge without considering the other averments made in the counter affidavit. In the counter affidavit, it has been clearly stated that the Writ Petitioner, who joined as a daily wager on 01.09.1999, was regularised on 20.09.2007 in the light of G.O.Ms.No. 85 BC/MBC and Minorities Welfare Department dated 20.09.2007 and placed on a time pay scale par with the Cook and others working in Nutritious Meals Scheme. After being regularised, the Writ Petitioner gradually being promoted and presently working as Driver in the office of the Joint Director, Kallar Reclamation, Madurai. After getting regularised, pursuant to G.O.Ms.No.85 BC/MBC and Minorities Welfare Department dated 20.09.2007, the Writ Petition was filed in the year 2022 seeking the benefit of G.O.Ms.No.19 BC/MBC and



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Minorities Welfare Department, dated 07.03.2008, which is not applicable to the Writ Petitioner herein. The conditions for applying G.O.Ms.No.19, BC/MBC and Minorities Welfare Department, dated 07.03.2008, were 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. Except for the 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.

3. Referring to the previous Government Orders issued in respect of these 553 persons, the learned Special Government Pleader would submit that the Writ petitioner herein does not fall within the categories mentioned in G.O.Ms.No.19 BC/MBC and Minorities Welfare Department, dated 07.03.2008. He joined the service on 01.09.1999 on a consolidated pay, was entitled to regularisation only under G.O.Ms.No.85, BC/MBC and Minorities Welfare



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Department, dated 20.09.2007 and he had been properly regularised in accordance with G.O.Ms.No.85, BC/MBC and Minorities Welfare Department, dated 20.09.2007. Without challenging the regularisation order, he had filed a writ of mandamus seeking the application of G.O.Ms.No.19, BC/MBC and Minorities Welfare Department, dated 07.03.2008, which is entirely applicable to a different set of daily wagers.

4. Heard the learned Special Government Pleader appearing for the appellants and the learned counsel appearing for the respondent and perused the materials available on record.

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 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,



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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.

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

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