



REV APLC(MD).No.272 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

REV.APLC(MD)No.272 of 2025

in

W.A(MD)No.1357 of 2019

1.S.Muthu
2.M.Mariappan

... Petitioners /
Respondents

v.

1.The State represented by
The Secretary,
Youth Welfare and Sports Development
(YW) Department,
Fort St.George,
Chennai.

2.The Director,
Directorate of National Cadet Corps For Tamil Nadu,
Pondicherry and Andaman Nichobar,
Fort St. George, Chennai.

3.The Group Commissioner,
NCC Group Head Quarters,
No. 86/2, P.T Rajan Road,
Madurai - 14.



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4. The Group Commander,
NCC Group Head Quarters,
Trichy - 1.

... Respondents /
Respondents

PRAYER: Review Application filed under Order XLVII Rule 1 & 2 read with Section 114 of CPC to review the order made in W.A(MD)No.1357 of 2019 dated 22.01.2025.

For Petitioners : Ms.M.Devishreenachiyar

For Respondents : Mr.S.Vinodh
Government Advocate

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.This application has been filed seeking review of the order dated 22.09.2025 passed by us allowing W.A(MD)Nos.1357 of 2019. The said writ appeal was filed by the Government questioning the order dated 26.03.2019 in W.P(MD)No.2470 of 2018. The said writ petition was filed by the review applicants. The review applicants had questioned the validity of G.O(Ms)No.79 Youth Welfare and Sports Department dated 19.12.2012



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and for consequential relief of fixing them in regular time scale of pay. The writ petitioners were aggrieved by the fixation of a special time scale of pay. The writ petitioners had been appointed as part-time sweepers.

3.The learned counsel for the review applicants submitted that the order passed by us suffers from an error apparent on the face of the record and hence it deserves to be reviewed. Two facts need to be noted. The learned Single Judge had extracted the order dated 19.09.2014 made in W.P(MD)No.7884 of 2013 and allowed the writ petition filed by the applicants. Copy of the said order has been made available and in Paragraph 22 of the order, the learned single Judge had stated as follows: “It is not the case of the respondents either in the G.O or in the counter affidavit that the petitioners are appointed as part time employees.” In the case on hand, the writ petitioners were appointed as part-time sweepers. Thus, there was a clear distinction between the facts obtaining in W.P(MD)No.7884 of 2013 and the one obtaining in W.P(MD)No.2470 of 2018 filed by the review applicants. The learned Single Judge was under the impression that the two cases were identical. On this sole ground, the order passed by the learned single Judge had to be set aside.



4.Be that as it may, it is seen that the writ petitioners herein had earlier filed W.P(MD)No.1943 of 2011 and W.P(MD)No.2371 of 2011 seeking the relief of regularization and fixation of regular time scale of pay. Their writ petitions were allowed by a learned Judge of this Court on 23.09.2011. The learned single Judge had passed the following order:

“In all these cases, the petitioners were appointed on consolidated pay before the ban order came into existence. They have completed three years of service and when they have approached the authorities for regularisation of their service, the same was rejected. It is in these circumstances, the present writ petitions are filed for a direction to grant them time scale of pay and regularisation after three years from the date of completion of original date of appointment on consolidated pay.

2.This issue has been covered by unreported decision of the Division Bench of this Court made in W.A(MD)No.273 of 2011, dated 02.03.2011 which has been followed by this Court also.

3.Accordingly, the writ petitions are allowed with a direction to the respondents to regularise the services of these petitioners from the date of completion of three years from their original date of appointment. Such orders shall be passed by the respondents, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.



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Consequently, connected miscellaneous petitions are closed.”

5. Aggrieved by the same, the State filed W.A(MD)No.1155 to 1159 of 2014. The Hon’ble Division Bench set aside the order passed the learned single Judge and allowed the Writ Appeals on 28.01.2016. Paragraph 10 of the order passed by the Hon’ble Division Bench is as follows:

“10. There is also one more additional reason. The respondents were appointed as part-time sweepers in the Directorate of National Cadet Corps on consolidated pay. By G.O.Ms.No.385, Finance Department, dated 01.10.2010, the Government directed sweepers working on daily wage basis and who have completed three years of service to be brought into regular time scale of pay. Based upon the said order, the Government had already issued G.O.Ms.No.79, Youth Welfare and Sports Development Department, dated 19.12.2012, sanctioning the creation of 11 posts of sweepers in special time scale of pay so as to absorb 11 persons. The five respondents in these five appeals are included in the said list. In other words, by G.O.Ms.No.79, Youth Welfare and Sports Development Department, dated 19.02.2012, the respondents herein have been absorbed into regular time scale of pay with effect from the date of the order. This itself is a concession granted to the respondents, despite the fact



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that the respondents were only part-time sweepers. In paragraph 7 of its judgment in Secretary to Government v. R.Govindasamy, the Supreme Court elicited the principles of law relating to the claim for regularisation of part-time service as follows:

"7.This Court in State of Rajasthan & Ors. v. Daya Lala & Ors., AIR 2011 SC 1193, has considered the scope of regularisation of irregular or part-time appointments in all possible eventualities and laid down well- settled principles relating to regularisation and parity in pay relevant in the context of the issues involved therein. The same are as under:

"8(i)

(iv)Part-time employees are not entitled to seek regularisation as they are not working against any sanctioned posts. There cannot be a direction for absorption, regularisation or permanent continuance of part- time temporary employees.

(v)Part-time temporary employees in government-run institutions cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work. Nor can employees in private employment even if serving full time, seek parity in salary with government employees. The right to claim a particular salary against the State must arise under a contract or under a statute."(Emphasis added)



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8.The present appeals are squarely covered by clauses (ii), (iv) and (v) of the aforesaid judgment. Therefore, the appeals are allowed. However, in light of the facts and circumstances of the case as Shri P.P.Rao, learned senior counsel has submitted that the appellant has already implemented the impugned judgments and does not want to disturb the services of the respondents, the services of the respondents which stood regularised would not be affected." Therefore, the order of the learned Judge cannot be sustained."

6.Thus, it can be noticed that the Hon'ble Division Bench had implicitly approved G.O(Ms)No.79 dated 19.12.2012. When the Hon'ble Division Bench had allowed the said appeals by placing reliance on G.O(Ms)No.79 dated 19.12.2012, the learned single Judge could not have quashed the same. That is why, we chose to allow the writ appeal. There is no error in our order.

7.This Review Application stands dismissed. No costs.

[G.R.S., J.] [R.P, J.]
27.03.2026

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