

W.P Nos. 23878 to 23882 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P Nos. 23878 to 23882 of 2012

and

M.P.Nos. 1 of 2014, 1 of 2014 and 1 of 2014

- | | |
|---------------------|---------------------------------------|
| 1. K. Chandrakumari | ..Petitioner in W.P.No. 23878 of 2012 |
| 2. S.Antony Aknasi | ..Petitioner in W.P.No. 23879 of 2012 |
| 3.Thangaponnu | ..Petitioner in W.P.No. 23880 of 2012 |
| 4. M.Ravikumar | ..Petitioner in W.P.No. 23881 of 2012 |
| 5.K.Mariappan | ..Petitioner in W.P.No. 23882 of 2012 |

Vs

1.The Government of Tamil Nadu
Rep by The Secretary to Government,
Animal Husbandries and Fisheries
Department, Secretariat, Chennai.

2.The Commissioner of Animal Husbandry
And Veterinary Services, Chennai-6.

3.The District Collector,
Dindigul.

4.The Joint Director,
Animal Husbandry Department,
Dindigul.

..Respondents in all WPs

Common Prayer: These writ petitions are filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing



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the respondents not to fill up the post of Animal Husbandry Assistants on the basis of the letter dated 08.05.2012 on the file of the second respondent herein without observing/regularizing the petitioner while filling up the vacancies of Animal Husbandry Assistants in any one of the vacancies in Dindigul District.

For Petitioners : Ms. K. Abirami
(in all WPs) For M/s. V.Srimathi

For Respondents : Mr.P.Kumaresan, AAG
(in all WPs) Asst. by Mr. Yogesh Kannadasan, Spl.GP

COMMON ORDER

Since the issue involved in all these writ petitions and the reliefs sought therein are similar, they are taken up together and disposed of by this common order.

2. The petitioners, claiming that they are working on a part-time basis as Assistants in Veterinary Sub-Centres, have filed these writ petitions seeking issuance of a writ of mandamus directing the respondents not to fill up the posts of Animal Husbandry Assistants on the basis of the letter dated 08.05.2012 issued by the second respondent, without absorbing and/or regularising their services. The writ petitions were allowed on 16.07.2021. Aggrieved by the said order, the respondent-State preferred W.A. Nos. 2024, 2019, 2023, 2025 and 2026 of 2022. The Division Bench, by order dated 22.04.2025, allowed the writ



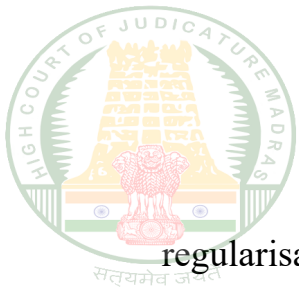
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appeals, set aside the order passed by the writ court, and remitted the matter to the writ court for fresh consideration on merits, on the basis of all documents that may be produced by the petitioners as well as the respondents in support of their respective stands. The State also undertook to keep five posts vacant so that no prejudice would be caused to the writ petitioners during the pendency of the aforesaid writ petitions.

3. The petitioners state that they were appointed as part-time workers as Veterinary Assistants in the Animal Husbandry Department and that they had put in more than twelve years of service as on the date of filing of the writ petitions. The date of appointment of each of the writ petitioners is set out in the tabular column below.

Writ Petition No.	Name	Date of period of appointment
W.P. No.23878 of 2012	Chandrakumari	April,2000
W.P.No.23880 of 2012	Thangaponnu	26.07.1999
W.P.No.23879 of 2012	Antony Aknasi	04.07.1997
W.P.No. 23881 of 2012	M.Ravikumar	July, 1995
W.P.No. 23882 of 2012	K.Mariappan	01.07.2000

4. The grievance of the petitioners is that though they were appointed as part-time workers, they discharged the duties of full-time employees and that their appointments were against sanctioned posts. However, they were denied



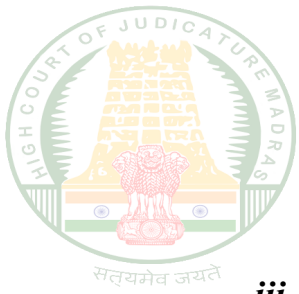
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regularisation of their services in terms of G.O.Ms. No. 22, Personnel and Administrative Reforms Department, dated 28.02.2006.

5. Ms. K. Abirami, learned counsel for the petitioners, referring to various documents and judgments, submitted that the petitioners were appointed as Veterinary Assistants to assist the Veterinary Doctors and that they discharged the duties of permanent employees and that the work performed by them is perennial in nature. The competent authorities have also recommended the cases of the petitioners for regularisation of their services. However, the respondent-State has refused to regularise the services of the writ petitioners on the ground that they are only part-time workers and were not appointed against sanctioned posts, which, according to the learned counsel, is contrary to the documents produced in support of the petitioners' case. The learned counsel further submitted that the documents placed on record clearly establish that the petitioners were working against sanctioned posts continuously for more than ten years and are therefore entitled to absorption/regularisation of their services in the light of the applicable Government Orders and the legal principles laid down by the Hon'ble Supreme Court as well as this Court. In support of her submissions, she placed reliance on the following decisions;

i. Mahanadi Coalfields Ltd vs. Brajrajnagar Coal Mines Workers Union ([2024] SCC Online SC 270)

ii. Sheo Narain Nagar & Others Vs. State of UP ([2018] 13 SCC 432)



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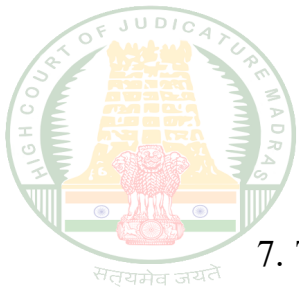
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iii. Vinod Kumar Vs. Union of India ([2024] 9 SCC 327)

iv. Jaggo VS. Union of India ([2024] SCC Online SC 3826)

v. M. Sivappa Vs. State of Tamil Nadu & Others (W.P.No.23823 of 2023, dated 26.02.2024).

6. Per contra, Mr. P.Kumaresan, learned Additional Advocate General for the respondents submitted that the petitioners were engaged as part time workers in Veterinary sub centre and they were engaged for watering and sweeping which requires only 10 minutes in the morning and paid only Rs. 2 was paid per day towards remuneration. He further submitted that the petitioners were engaged by the Livestock Inspector of the Sub –centre and not by the competent authority and their engagement as part time workers are not to a sanctioned post and therefore, the petitioners are not entitled for absorption /regularisation of their services. He additionally argued that the petitioners who were working as part time workers are not entitled for regularisaiton of their services as per the various Government Orders since the said Government Orders are only applicable to regular workers and not to part time workers and therefore, the writ petitions are devoid of merits. In support of the contention place reliance of the decision of the Apex Court in the case of ***Union of India & others Vs. ILMO Devi & another. (Civil Appeal Nos. 5689-5690 of 2021 dated 07.10.2021)***

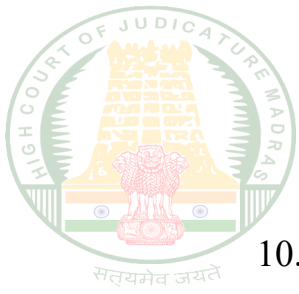


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7. The arguments of the learned counsel for the parties and the materials placed on record have been duly considered.

8. The Division Bench remanded these writ petitions to be heard and disposed on merits afresh, after examining all the documents to be produced by the parties. The petitioners as well as the respondent – State have produced the documents in support of their respective claims.

9. The G.O. Ms. 1527, Agriculture (AH.VIII) Department, dated 28.08.1985 field by the respondent –State prescribes the qualification for appointment of Animal Husbandary Assistants. The qualification prescribed is that the person to be eligible for appointment is aged 28 years and above and the education qualification for appointment is that the candidate must studied up to 8th standard, must have ability to handle livestock and must know cycling. Admittedly the petitioners were aged 28 years and above as on the date of their initial appointment as part time basis and they studied up to 10th standard. The petitioners have produced a list of documents dated 12.01.2001 which discloses that these petitioners were paid a sum of Rs.825/- each toward Pongal Bonus. This document has not been disputed by the respondent –State.



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10. The petitioners have also produced a copy of the proceedings of Assistant Director, Animal Husbandry Department, dated 02.04.2009 and the copy of the same was marked to each of the petitioners. A perusal of the said letter indicates that a copy of the Government letter dated 07.02.2008 was forwarded therewith for information and suitable action in respect of part time workers working in the sub station of husbandry department in this Zone. The said letter was issued by the O/o Addl. Director, Animal Husbandry, Dindigul. The letter dated 07.02.2008 was issued by the Special Commissioner and Secretary to Government and by the said letter, the request of the part time helpers in veterinary sub centers for regularization/absorption of their services has been rejected citing that their request was not feasible as they are dealing the work of watering and sweeping the sub centers which requires less than 30 minutes in the morning only.

11. Further, the communication dated 16.12.2011 addressed by the Assistant Director, Animal Husbandry Department, Dindigul to The Director, Animal Husbandry and Medical Services, Chennai is produced by the petitioner. The said letter indicates that Mr. Anothony Akanasi, one of the writ petitioners in W.P.No. 23879 of 2012 had worked as a part time worker from 04.07.1997 to 19.02.2010 and presently functioning in upgraded sub station and the said petitioner has submitted an application praying to accord priority when

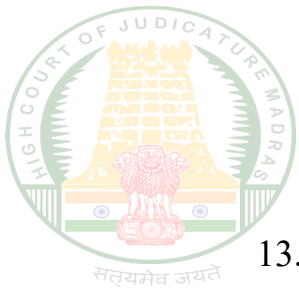


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the post of Animal Husbandry Assistant is filled up and appoint him in the said post.

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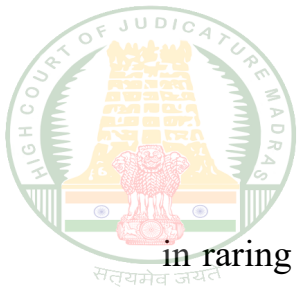
12. The petitioners have also produced a copy of the letter dated 02.08.2012 issued by the Secretary to Government to the Commissioner of Animal Husbandry & Veterinary Services, Chennai. The said letter discloses that 1360 vacancies for Animal Husbandry Assistants for the year 2011-2012, including 28 part time workers have been approved and the addressee was requested to appoint 28 part time workers as Animal Husbandry Assistants at the first instances and to send the take action report to the Government and also to appraise the same to the High Court of Madras and the Madurai Bench of Madras High Court. It was also requested to send necessary proposals for relaxation of rules to the 28 part time workers with ad-hoc rules to the Government immediately. The petitioners submitted a representation dated 08.08.2012 to the respondents stating that they are working as part time workers as Animal Husbandry, Dindigul and put in more than 10 years of service and it is learnt that the applications were invited for filling up the posts of Assistant Animal Husbandry and interviews are scheduled to fill up the said posts and therefore, requested to appoint them as regular assistant workers in the department concerned.



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13. The G.O Ms. No. 22 dated 28.02.2006, the basis on which the petitioners are seeking regularization indicates that the Government has taken a decision to regularize the services of daily wages who have worked for more than 10 years as on 01.01.2006. In the instant case, some of the petitioners have completed 10 years as on the date of the said Government Order and some of them completed less than 10 years, however the government issued another G.O.Ms. 74, Personal and Administrative Reforms (Per-F) Department, dated 27.06.2013. The said G.,O. indicates that the improper implementation of regularization scheme envisage under G.O.Ms.No. 22, dated 28.02.2006 has caused huge financial commitment running into several crores of rupees, thereby defeating the said Government Order and the supersession of the earlier Government Orders, revised orders on regularization of services of full time daily wage employees working in all Government department enumerating the eligibility criteria.

14. The petitioner has also placed reliance on the communication dated 08.05.2012 issued by the Animal Husbandry department addressed to the District Collector Dindigul. In the said letter it is stated that work in a veterinary dispensary is of physical nature and for effect delivery of veterinary services decides veterinarian adequate man power is must and the animal husbandry department is facing severe shortage of animal husbandry assistant who helped

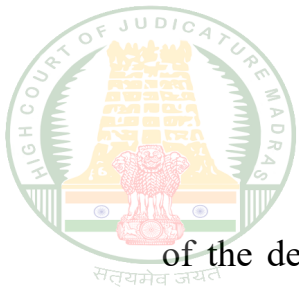


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in rearing the animals for treatment and besides animal husbandry assistants are responsible for the upkeep and domain tenant of the veterinary instructions. The said communication also stated that vacancies in such posts telling effect of the hygiene and sanitation and the government realising this had issued an order dated 25.11.2000 where 116 Animal Husbandry Assistance posts are sanctioned. The letter also disclosed that the government had upgraded 585 sub centres in to rural veterinary dispensaries and is in the process of veterinary doctors. Therefore, the contention of the learned Additional Advocate General that the petitioners are not entitled for regularisation of their services as they are discharging duties in sub centres is misplaced and not acceptable.

15. The learned Additional Advocate General referring to another G.O.Ms. 74, Personal and Administrative Reforms (Per-F) Department, dated 27.06.2013, vehemently argued that the appointment of the petitioners are on part time basis and therefore, in view of the said Government Order, superseding earlier Government Order, the petitioners who were appointed on part time basis and not on regular basis, are not entitled for the benefit of regularization of service.

16. Countering the arguments of the learned Additional Advocate General, the learned counsel for the petitioners placed the reliance of the order

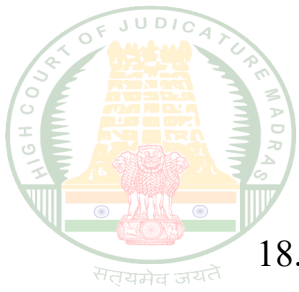


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of the decision of the Full Bench of this Court in the case of *M.Sivaapa Vs.*

State of Tamil Nadu cited supra. The said order was based on the reference made on account of conflicting opinions expressed by the Division Benches of this Court. The Full Bench held that wherever the posts are permanent in nature and comes within 86 categories of posts which form the Tamil Nadu Basic Service , temporary or part time employment should be avoided and those persons, who have been appointed to such posts and who have completed 10 years of service as on 28.02.2006 would be entitled to regularization de hors the nomenclature that is given to the appointment. The Full bench further held that the nature of employment is temporary and the requirement will cease to exist after a particular time, like those appointments that are made under various welfare schemes, it will then be open to the Government to engage temporary employees or part time employees.

17. The Full bench has diluted the effect of G.O.Ms. 74 dated 27.06.2013 which provided for regularization of services of full time employees. Learned Additional Advocate General submitted that a review application is pending before the Full Bench against the said order passed on reference. However, there is no stay operating on the said order.



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18. The learned Additional Advocate General, relying on the decision of the Hon'ble Supreme Court in ***Union of India & Others v. Ilmo Devi & Another*** (*cited supra*), contended that the petitioners are not entitled to regularisation of their services. It was argued that, as per the principles laid down therein, part-time employees are not entitled to seek regularisation since they do not work against sanctioned posts, and there cannot be permanent continuance of part-time temporary employees. It was further held that part-time temporary employees in Government-run institutions cannot claim parity in pay with regular Government employees on the principle of "equal pay for equal work".

19. It was further held in the said decision that the judgment in ***Secretary, State of Karnataka v. Umadevi*** does not apply to part-time workers who are not working against sanctioned posts. Therefore, in the absence of sanctioned posts, and considering the fact that the employees therein were contingent-paid part-time Safai Karamcharis, they were held not entitled to the benefit of regularisation under the prevailing regularisation policy.

20. In the subsequent judgment in ***Mahanadi Coalfields Ltd.*** (*cited supra*), the Hon'ble Supreme Court upheld the finding of the Tribunal that the duties performed by the workmen were perennial in nature. The Apex Court

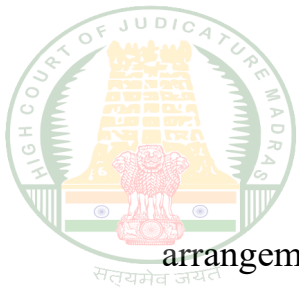


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observed that the employer had failed to establish any distinction between two sets of workers and accordingly confirmed the award directing regularisation of services.

21. In *Sheo Narain Nagar v. State of Uttar Pradesh* (cited supra), the Apex Court held that the decision in *Umadevi* has often been misunderstood and wrongly applied by various State Governments. In paragraph 8 of the said judgment, it was observed that since the State itself had conferred temporary status upon the employees, the existence of work requirement and availability of posts stood established. The contention that posts were not available was therefore belied by the State's own conduct. The Court further observed that the orders were passed considering the long years of service rendered by the employees on exploitative terms.

22. In the preceding paragraph (para 7) of the said judgment, the Apex Court observed that the time had come to prevent misuse of *Umadevi*, which had already interdicted irregular appointments in 2006. The Court held that employment cannot be exploitative in nature. While *Umadevi* sought to prevent back door entries and mandated that posts be filled through regular recruitment, a new device of engaging workers on meagre pay through contractual or ad hoc



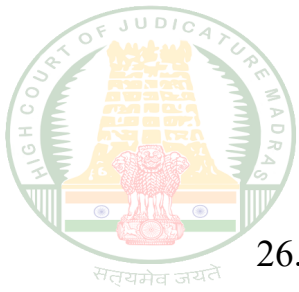
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arrangements had emerged, which defeats the true spirit of *Umadevi* and is impermissible.

23. In a recent judgment in *Vinoth Kumar & Others (cited supra)*, the Apex Court held that a mechanical application of *Umadevi* by the High Court would not be appropriate in cases where employees have continued in service for long years under specific circumstances. It was observed that reliance on initial procedural irregularities cannot be used to perpetually deny substantive rights that have accrued through long and continuous service.

24. The judgment in *Umadevi* itself draws a distinction between “irregular” and “illegal” appointments and underscores that appointments not strictly made in accordance with the prescribed rules may not be illegal if the essential recruitment process, such as written examinations or interviews, was followed.

25. In *Jaggo v. Union of India (cited supra)*, the Apex Court highlighted the systematic exploitation of temporary and contractual employees in public institutions and held that labelling permanent work as temporary to deny regular benefits constitutes an abuse of power.

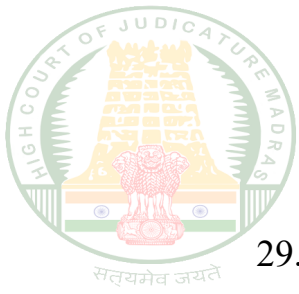


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26. A similarly situated person approached this Court in W.P. No. 29439 of 2010 seeking regularisation of service. The writ court allowed the petition and directed regularisation in the post of Animal Husbandry Assistant. The said order was challenged by the State in W.A. No. 765 of 2016. The Division Bench, while referring to the Government Order dated 13.08.2012, observed that the State had already complied with earlier orders and regularised at least ten part-time helpers. The records further disclosed that 1,360 posts of Animal Husbandry Assistants were created, out of which 28 posts were earmarked for part-time employees, and ten such employees were appointed. The order of the writ court, as affirmed by the Division Bench, has since been implemented.

27. Similarly situated persons approached this Court in W.P. Nos. 23878 and 23882 of 2012. The respondents contended therein that the petitioners were engaged only for watering and sweeping, consuming merely thirty minutes per day, and were paid Rs.2/- per day, and hence were not eligible for regularisation.

28. This Court rejected the said contention and held that the petitioners had been engaged from April 2000 onwards and had put in more than twelve years of service as on the date of filing of the writ petitions.

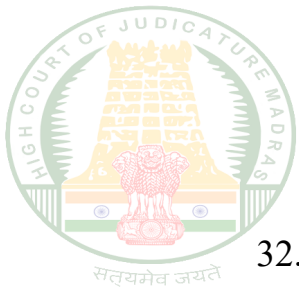


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29. Another contention raised therein was that the petitioners were not sponsored through the Employment Exchange. The Court held that since the petitioners had worked for more than twenty-one years as casual labourers, they were entitled to be considered for regularisation in terms of G.O.Ms. No.22 dated 28.02.2006 and G.O.Ms. No.74 dated 27.06.2013.

30. In the present case, the petitioners have been continuously working as Animal Husbandry Assistants for more than fifteen years as on the date of filing of the writ petitions, though their appointments are described as part-time. The records clearly show that they are discharging the same duties as regular Animal Husbandry Assistants and that the work is permanent and perennial in nature.

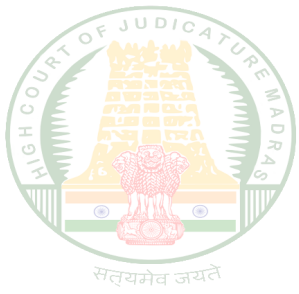
31. It is also evident that similarly situated persons in the very same department have already been granted the benefit of regularisation. Denial of the same benefit to the petitioners, who are identically placed, is arbitrary and discriminatory, amounting to hostile discrimination in violation of Articles 14 & 16 of the Constitution of India. The respondents cannot deny regularisation merely on the basis of the nomenclature of “part-time” after having extracted full-time services and after extending the same benefit to others similarly placed.



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32. The respondents, having admitted that the petitioners were working on a part-time basis, were under an obligation to produce records to establish that the petitioners were engaged only by the local Veterinary Inspector, and to place on record the attendance registers of the Animal Husbandry Centres to show that the petitioners were not employed on a regular basis and that regular employees were engaged to assist the Veterinary Doctors. In the absence of such vital documents, an adverse inference is liable to be drawn against the respondents.

33. In view of the foregoing discussion, the writ petitions are allowed. The respondents are directed to regularise the services of the petitioners notionally in terms of G.O.Ms. No.22, Personnel and Administrative Reforms Department, dated 28.02.2006, and G.O.Ms. No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013, with effect from the date of completion of ten years of service from the date of initial appointment, with all attendant benefits, but without arrears of salary. The said exercise shall be completed within a period of three (3) months from the date of uploading of this order on the official website of this Court. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.



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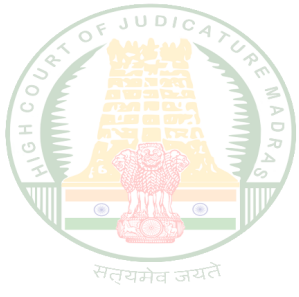
To

1.The Secretary to Government,
Animal Husbandries and Fisheries
Department, Secretariat, Chennai.

2.The Commissioner of Animal Husbandry
And Veterinary Services, Chennai-6.

3.The District Collector,
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4.The Joint Director,
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HEMANT CHANDANGOUDAR, J.

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