



WEB COPY



W.A.No.3854 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE SHAMIM AHMED

W.A.No.3854 of 2025

1. The State of Tamil Nadu
Rep. By its Secretary
School Education Department
Fort St. George, Chennai – 9.
2. The District Collector
Thiruvarur District.
3. The Director of School Education
College Road, Chennai – 6. .. Appellants

Vs.

1. M.Thaiyal Nayagi
2. The Commissioner
Kottur Panchayat Union, Kottur. ..
Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order made in W.P.No.30628 of 2015 dated 24.02.2022.

For the Appellants : Mr.J.C.Durairaj
Additional Government Pleader

For the Respondents : Mr.L.Chandrakumar
for R1

Mr.E.Veda Bagath Singh



WEB COPY



W.A.No.3854 of 2025

Special Government Pleader
for R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 24.02.2022 made in W.P.No.30628 of 2015.

2. The first respondent was the writ petitioner, who's husband one *R.Balakrishnan*, was working as a Junior Assistant at the appellant Department and he died in harness, therefore, in his place, by way of compassionate appointment, the first respondent/writ petitioner was appointed in the year 1982 as Junior Assistant, that is from 23.10.1982.

3. Since then, she had been continuously working in the appellant Department, however, her service had not been regularized. In the meanwhile, the first respondent/writ petitioner had also passed the relevant test for getting regularized. Despite that, no regularization has been forthcoming, therefore, the first respondent/writ petitioner had approached the then existing Tamil Nadu State Administrative Tribunal and filed O.A.No.4245 of 2000 seeking regularization, which was considered and a direction was



W.A.No.3854 of 2025

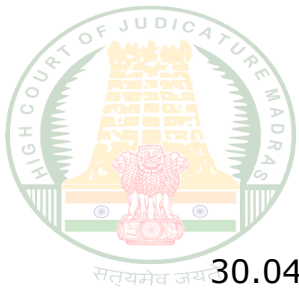
given to consider the plea of the first respondent/writ petitioner.

WEB COPY

4. Even thereafter, nothing was forthcoming, therefore, again, the first respondent/writ petitioner was triggered to file a writ petition in W.P.No.8087 of 2009, seeking a direction to regularize. This time, the Court had given directions by the order dated 22.06.2012 to consider the request of the first respondent/writ petitioner for regularization.

5. Even this order since has not been complied with, the first respondent/writ petitioner was constrained to file a contempt petition in Cont.P.No.3033 of 2014 and in order to wriggle out from the contempt petition, on 14.07.2015, the regularization order was passed.

6. As the first respondent/writ petitioner, in the meanwhile, after rendering 27 years of service, retired from service on superannuation on 30.04.2009, curiously, the appellant Department has taken the superannuation date, that is 30.04.2009, as the date of regularization of the service of the first respondent/writ petitioner and thereby, by the order dated 14.07.2015, the service of the first respondent/writ petitioner was regularized only with effect from



W.A.No.3854 of 2025

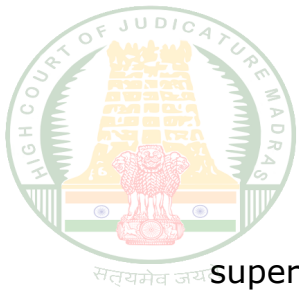
30.04.2009, that is the date of superannuation.

WEB COPY

7. Challenging the said belated regularization from the date of superannuation, as has been made by the order dated 14.07.2015, the first respondent/writ petitioner has approached the Writ Court by filing the said writ petition, that is W.P.No.30628 of 2015, which was pending for nearly about seven years before this Court and ultimately, by the impugned order, the Writ Court has disposed of the said writ petition on 24.02.2022.

8. The learned Writ Court, having taken the pain of dealing with the issue by relying upon various decisions on similar circumstances that has already been tested by the law Courts, ultimately held that, it is nothing but a mockery and travesty of justice in the effect of regularization being confined only from the date of retirement of the first respondent/writ petitioner.

9. We are in complete agreement with the said view taken by the learned Writ Court for the reason being that, once an employee had been appointed on compassionate appointment, that could only be treated as a regular appointment and such appointee since has been working in the sanctioned post for 27 years and retired on



W.A.No.3854 of 2025

WEB COPY

superannuation on 30.04.2009, in the meanwhile, already the employee approached the Tamil Nadu Administrative Tribunal seeking regularization and that has not yielded any desired result. When that being so, even after superannuation, since no regularization order has been passed, by virtue of which, the chance of getting pension and other retiral benefits since is affected, the first respondent/writ petitioner had no other option than to approach the Court of law. Thereafter, even in the second round of litigation by filing a writ petition, which was also ordered and the same since has not been complied with, she was constrained to move contempt petition.

10. Only at that stage, belatedly, the order of regularization had been passed by the appellant Department on 14.07.2015, but, this time, it is very shocking to note that regularization has been given effect to only from the date of superannuation, that is on 30.04.2009, which is not known to service jurisprudence.

11. On what basis the appellant Department has given such regularization to the first respondent/writ petitioner with effect from the date of superannuation is not known, as it is not supported by any service laws. When that being so, the appellant Department has



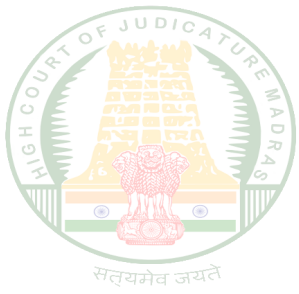
W.A.No.3854 of 2025

WEB COPY

purposely made this regularization order on 14.07.2015, regularizing the service of the first respondent/writ petitioner only from the date of superannuation, that is on 30.04.2009, thereby, they wanted to reject the lawful claim of the first respondent/writ petitioner to get retiral benefits, including pensionary benefits. As she had been working from 1981 to 2009, during which period she rendered 27 years of service to the appellant Department, she is very much entitled to get all benefits, including pensionary benefits.

12. When such an order has been passed on 14.07.2015, the learned Writ Court has shown its indulgence and allowed the writ petition by giving directions to the appellant Department to pass appropriate suitable orders by giving regularization with effect from the initial date of appointment, that is from 23.10.1982 and extend all attendant benefits like fixation of pay, arrears of pay and pensionary benefits.

13. The said order is perfectly in tune with the service regulations, especially, the service regulations under which the first respondent/writ petitioner was working during her entire service of 27 years. Therefore, absolutely, there is no reason for us to interfere with the order passed by the Writ Court.



W.A.No.3854 of 2025

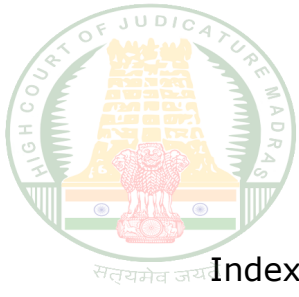
WEB COPY

14. In fact, this writ appeal has to be dismissed with huge costs, however, since we are inclined to dismiss this writ appeal at the admission stage itself, we refrain from imposing any costs on the appellants, to be payable to the first respondent/writ petitioner.

15. Hence, this writ appeal is dismissed with the aforesaid reasoning without any order as to costs. The directions given by the Writ Court through the order impugned shall be complied within a maximum period of two months from the date of receipt of a copy of this order and all service benefits, including retiral benefits, if not already paid, as well as pensionary benefits with arrears from the date of superannuation, that is from 30.04.2009 till date shall be paid and shall continue to pay the revised latest benefits based on the last drawn pay, which ought to have been calculated by the direction of the Writ Court and all these compliances shall be made within the said period. Consequently, C.M.P.No.31532 of 2025 is closed.

(R.S.K., J.) (S.S.A., J)
21.01.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No



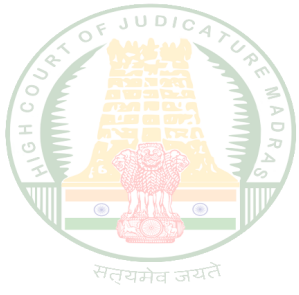
W.A.No.3854 of 2025

Index:Yes/No

WEB COPY (drm)

To:

1. The Secretary
The State of Tamil Nadu
School Education Department
Fort St. George, Chennai – 9.
2. The District Collector
Thiruvarur District.
3. The Director of School Education
College Road, Chennai – 6.
4. The Commissioner
Kottur Panchayat Union, Kottur.



WEB COPY



W.A.No.3854 of 2025

R. SURESH KUMAR, J.
AND
SHAMIM AHMED, J.

(drm)

W.A.No.3854 of 2025

21.01.2026