

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2834 OF 2010

A.V.SURESHBABU & ANR.

APPELLANT(S)

VERSUS

P.PERUMAL & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2842 OF 2010

O R D E R

1. Heard learned counsel for the parties.
2. In the 1980's, the appellants were appointed on contractual basis as Surveyor-cum-draftsmen, Typist-cum-Junior Assistants on consolidated salary for updating land records. The scheme for updating the land records ended in the year 1987/1988.
3. On the representation of the appellants, the Government on sympathetic grounds decided for granting permanent employment to all those appointees under consolidated pay in the Survey Department *vide* G.O. Ms. No.1092 dated 27.10.1986. Thereafter, *vide* G.O. Ms. No.278 dated 27.04.1992, 272 persons were appointed on temporary basis as Junior Assistant-cum-Typists in Social Welfare Department whose service would be

regularized only after getting concurrence from Tamil Nadu Public Service Commission. In the meantime, in the year 1991, Tamil Nadu Public Service Commission invited applications for the post of Junior Assistants and Typists in the Social Welfare Department and the private respondents were appointed after undergoing the regular selection process between 1993 and 1995. A combined seniority list of Junior Assistants, Steno typists/Typists working in the Social Welfare Department was published on 01.11.2001, wherein, the names of the appellants were missing.

4. Aggrieved by the omission of their names from the seniority list, the appellants filed several original applications before the Tamil Nadu Administrative Tribunal (for short 'the Tribunal') to seek regularization of their employment as Junior Assistants/Typists in the Social Welfare Department. The Tribunal by its order dated 16.07.2002, directed the Secretary to the Social Welfare Department, Chennai to pass regularization orders in respect of the appellants. This resulted in the issuance of G.O. Ms. No.65 dated 28.04.2003. Based upon the said G.O., the Head of the Department of Social Welfare Department, issued orders of regularization of the appellants.

5. It is in this background, that the appellants are claiming seniority from the date of their appointment

in the Social Welfare Department from the year 1992-1993 rather than from the date of their regularization in the year 2003 pursuant to G.O. Ms. No.65 dated 28.04.2003.

6. The submission of learned counsel for the appellants is that under the aforesaid G.O., the appellants are entitled for seniority w.e.f. from the date of their initial appointment and not from the date of regularization.

7. In this context, the reliance has been placed upon certain decisions, but we need not refer to any of them for the simple reason that it is settled law that the seniority has to be counted from the date of regularization and the temporary services rendered by the candidates prior to regularization, is not liable to be counted for the purposes of seniority. In such a situation, even if, the G.O. No.65 dated 28.04.2003 provides for regularization from the date of initial appointment, it will not override the substantive law so as to grant seniority to the appellants from the date of their initial appointment in the year 1992-1993.

8. The fact remains that the appellants were regularized w.e.f. 28.04.2003 and therefore, we are of the opinion that the High Court is right in not granting seniority to the appellants from the date of

initial appointment, but from the date of their regularization, viz, the date of the G.O. Ms. No.65 dated 28.04.2003.

9. In view of the aforesaid facts and circumstances, we find no merits in the present appeals, and the same are, accordingly, dismissed.

10. Pending application(s), if any, shall stand disposed of.

.....J.  
(PANKAJ MITHAL)

.....J.  
(S.V.N. BHATTI)

NEW DELHI  
11<sup>th</sup> DECEMBER, 2025  
GA

ITEM NO.101

COURT NO.9

SECTION XII-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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C.A. NO. 2842/2010 (XII-B)  
FOR ON IA 59811/2014

Date : 11-12-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s)/ 101 Ms. Shobha Ramamoorthy, AOR (argued by)  
Mr. Shilp Vinod, Adv.  
Mr. Gokulakrisnan, Adv.

101.1 Mrs. Revathy Raghavan, AOR

For Respondent(s)/ 101 (R-1) Mr. T Raja, Sr. Adv. (argued by)  
Ms. Mary Mitzy, Adv.  
Mr. Oleander D Singh, Adv.  
Mr. Pratham Sadh, Adv.  
Mr. Ashutosh Jha, AOR

101 (R-2,3) Mr. Balaji Subramaniam AAG. (for State)  
Ms. G. Indira, AOR  
Mr. P Gandepan, Adv.  
Ms. Anjali Singh, Adv.  
Ms. Raniba Pangnila, Adv.  
Mr. Akash Kundu, Adv.  
Mr. Anurag Kashyap, Adv.

101.1 Mr. Shiv Prakash Pandey, AOR

UPON hearing the counsel the court made the following  
O R D E R

The appeals are dismissed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(Manoj Kumar)  
Court Master (NSH)

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Signed Order is placed on the file)