



ABSTRACT

Public Services – Employees working on daily wages – Bringing into regular establishment – Consolidated instructions – Issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (F) DEPARTMENT

G.O.(Ms).No.131

Dated: 28.11.2020

சார்வரி, கார்த்திகை -13,
திருவள்ளூர் ஆண்டு 2051.

Read:

1. G.O.Ms.No.22, Personnel and Administrative Reforms (F) Department, dated 28.02.2006.
2. G.O.Ms.No.74, Personnel and Administrative Reforms (F) Department, dated 27.06.2013.
3. Advocate General of Tamil Nadu, High Court, Chennai-600 104, Letter dated 18.02.2019.
4. Orders of High Court of Madras in W.P.Nos..28633 to 28646 of 2014, dated 12.12.2017.
5. Government Letter No.4486/C2/2018-1, Public Works Department, dated 28.02.2018.

Based on the announcement made by the Hon'ble Chief Minister on 08.02.2006, orders were issued in the reference first cited to pursue action to regularize the services of the daily wages employees, working in all Government departments, who have rendered 10 (ten) years of service as on 01.01.2006, by appointing them in the time scale of pay of the post, in accordance with the service conditions prescribed for the post concerned, subject to their being otherwise qualified for the post. It was also ordered therein that wherever necessary, in special cases, wherein relaxation of rules is required, proposal shall be sent to Government.

2. In view of the deviations noticed in the implementation of the above orders, revised orders were issued in the reference second cited, among other things, that the services of the full time daily wage employees who were initially appointed on full time basis, in consultation with Employment Exchange, to discharge the function of the

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post in the Tamil Nadu Basic Service and completed 10 (ten) years of service as on 01.01.2006 shall be regularized, against the regular vacancies, in the sanctioned cadre strength.

3. The High Court of Madras, in its order dated 12/12/2017 in W.P.Nos.28633 to 28646 of 2014 and C.P.Nos.561 to 574 of 2015, filed by Thiru.M.Mahalingam, relating to regularization of daily wage services in the Water Resource Organization, Public Works Department, among other things, directed the Registry to communicate the copy of the order to the Chief Secretary, for issuing consolidated instructions to all officials concerned, to scrupulously follow the judgment of the Constitution Bench of the Hon'ble Supreme Court of India in "Umadevi Case" [State of Karnataka Vs.Umadevi (2006)4 SCC 1] as well as the legal principles settled in the present writ petition, in its letter and spirit, in respect of the cases relating to regularization of services of daily wages employees, into regular establishment.

4. In the above said "Umadevi case", among other things, the Constitution Bench of the Supreme Court of India, emphasized that if rules have been made under Article-309 of the Constitution, then the Government can make appointments only in accordance with the rules. If sanctioned posts are vacant, the State will take immediate steps for filling those posts, by a regular process of selection. The State Government and their instrumentalities should take steps to regularize, as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts, but not under cover of orders of the courts or of Tribunals, and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that required to be filled up, in cases, where temporary employees or daily wages are being now employed. If sanctioned posts are vacant, the State will take immediate steps for filling those posts, by a regular process of selection. There should be no further bypassing of the Constitutional requirement, regularizing or making permanent, those not duly appointed, as per the Constitutional scheme.

5. In view of the above, it is hereby reiterated that in case of posts governed by Rules, in all the Services, including Tamil Nadu Basic Service, appointment shall be made only with reference to the existing rules. While selecting candidates for appointment, the claim of the contesting candidates shall be weighed with reference to the rules, in force, as emphasized in the "Umadevi Case" [State of Karnataka Vs.Umadevi (2006)4 SCC 1].

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6. All the appointing authorities should adhere to the above instructions scrupulously, failing which, it will be viewed seriously and necessary disciplinary action will be initiated as per rules, against the person responsible for the said lapses. All Heads of Departments are directed to ensure that the above said instructions are followed, without fail.

(BY ORDER OF THE GOVERNOR)

**K. SHANMUGAM,
CHIEF SECRETARY TO GOVERNMENT.**

To
All Secretaries to Government, Chennai- 600 009.
All Departments of Secretariat, Chennai- 600 009.
The Secretary, Tamil Nadu Legislative Assembly Secretariat,
Chennai-600 009.
The Governor's Secretariat, Guindy, Chennai-600 032.
All Heads of Departments / District Collectors / District Judges /
Chief Judicial Magistrates.
The Registrar General, High Court, Chennai-600 104/
Madurai-625 023.
The Advocate General of Government of Tamil Nadu,
High Court of Madras, Chennai-600 104.
The Accountant General, Chennai-18/35.
The Director of Treasuries and Accounts, Chennai- 600 035.
The Director of Employment and Training, Chennai-600 005.
All Treasury Officers.
The Pay and Accounts Officer (North / South/ East/ Secretariat),
Chennai - 79/35/5/9.
The Resident Audit Officer, Chennai - 600 009.
The Secretary, Tamil Nadu Public Service Commission,
Chennai-600 003.

Copy to:

The Principal Private Secretary to Chief Secretary to Government,
Chennai-600 009.
The Principal Private Secretary to Secretary to Government,
Personnel & Administrative Reforms Department, Chennai- 600 009.
The Principal Private Secretary to Additional Chief Secretary to
Government,
Finance, Chennai - 600 009.
The Principal Private Secretary to Principal Secretary to Government,
Public Works Department, Chennai - 600 009.
The Personnel and Administrative Reforms (AR-II) Department,
Chennai-600 009 (to publish in the Government web-site www.tn.gov.in).
All Officers/Sections in Personnel and Administrative Reforms Department.
SF/SC.

//Forwarded by Order//

S. Shanmugam
28/4/2020
SECTION OFFICER.
S. Shanmugam
28/4/2020