

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28739/2015

1.Maruthambal Elizabeth
2.P.Anandanayaki
3.P.Indirani
4.R.Murugammal
5.A.Athisayam
6.M.K.Radha
7.C.Ranjani
8.R.Vijaya
9.A.Abitha Begaum
10.C.Ramamirtham
11.M.Bhagavathi
12.K.Jamuna
13.Gnanamari
14.K.Leela

..
Versus

1.The Secretary
Government of Tamilnadu
Department of Home,
Fort St George, Chennai 600 009.

2.The Commissioner of Police
Vepery, Chennai 600 007.

Petitioners

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records of the 2nd respondent impugned order Na.Ka.No.Pa.P2[2]/82/23426/2013 dated 31.12.2014 and quash the same and direct the respondents to pay the arrears of salary for the period from 01.01.1988 to 31.12.1993.

For Petitioners : Mr.P.Chandrasekar

For RR 1 & 2 : Mr.S.Gunasekaran, GA

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The learned counsel for the petitioners would submit that the petitioners and others were appointed as escorts in various Central Prisons and Police Stations on daily wages and they filed OA.No.1832/1992 on the file of the Tamil Nadu Administrative Tribunal praying for their regularisation and vide order dated 18.12.1992, the Tribunal has directed the Government to reinstate them in service as regular women wardens and regularise their services and bring them to regular establishment as in the case of 125 Ayahs who were brought into regular establishment in G.O.Ms.No.2617, Home Department dated 07.12.1988 with all attendant benefits.

3 The grievance now expressed by the petitioners is that though they are entitled to arrears of pay for the period between 01.01.1988 and 31.12.1993, the period during which they were employed on daily rate basis, their request has been unjustly rejected by the respondents on 31.12.2014 and hence, they came forward to file this writ petition.

4 Heard the learned counsel for the petitioners and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

5 This Court, in the light of the above facts and circumstances, is of the view that the impugned order of the 1st respondent has to be set aside and the matter has to be remanded back once again to him for considering the claim of the petitioners in the light of the above said order passed by the Tamil Nadu Administrative Tribunal.

6 In the result, the writ petition is partly allowed and the order dated 31.12.2014 of the 2nd respondent in Na.Ka.No.Pa.P2[2]/82/23426/2013 is set aside and the matter is remanded back to the 1st respondent for fresh consideration in the light of the order dated 18.12.1992 made in OA.No.1832/1992 filed by Maruthambal Elizabeth and others Vs. State of Tamil Nadu rep. by its Commissioner and Secretary, Home Department, Fort St George, Madras-9 and others and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioners. No costs.

-s/d-

Assistant Registrar(CSII)

True Copy

Sub-Assistant Registrar

To

1.The Secretary
Government of Tamilnadu
Department of Home,
Fort St George, Chennai 600 009.

2.The Commissioner of Police
Vepery, Chennai 600 007.

+1 cc to Mr.P.Chandrasekaran Advocate sr.49751
+1 cc to Government Pleader sr.49969

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