



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.15041 of 2017

and

W.M.P. (MD) Nos.11877 and 11878 of 2017

1.R.Maheshwari
2.C.Sugantham Jebamalar
3.J.Priskila Jayaseeli .. Petitioners

Vs.

1.The Additional Director General of Police and
Inspector of Prisons,
Tamil Nadu, Chennai - 600 008.

2.Selvi R.Gnanasundari,
Grade II Warder,
Special Prison for Women,
Vellore.

3.Tmt.S.Sakila,
Grade II Warder,
Special Prison for Women,
Vellore.

4.Tmt.R.Punitha
Grade II Warder,
Special Prison for Women,
Vellore.

5.Tmt.R.Saraswathivelu
Grade II Warder,
Special Prison for Women,
Vellore.

6.Tmt.K.Jamunarani,
Grade II Warder,
Special Prison for Women,
Puzhal, Chennai.

7.Tmt.P.Karunambigai,
Grade II Warder,
Special Prison for Women,
Puzhal, Chennai.



8.Tmt.R.Kanagalakshmi,
Grade II Warder,
Special Prison for Women,
Puzhal, Chennai.

.. Respondents

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in No.1908/EW.2/2017-1, dated 21.07.2017, quash the same and consequently, direct the first respondent herein to consider the promotion of the petitioners to the post of Grade-I Warder [Female] for the year 2016-2017.

For Petitioners : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For Respondents : Mr.K.Guru
Additional Government Pleader

ORDER

All the three petitioners while serving as Grade-II Warders submitted their letter of relinquishment as per Rule 47(2) of the General Rules for the Tamil Nadu State and Subordinate Services, relinquishing their further promotion to the post of Grade - I Warder, citing domestic reasons. As the petitioners have given up the promotional benefits for the period from 07.12.2012 to 06.12.2015; 07.12.2012 to 06.12.2015; and 06.12.2012 to 05.12.2015 respectively, it is their claim that after expiry of three years period as mentioned above, they are entitled to be considered for their inclusion in the panel to be drawn for the post of Grade - I Warder. Since the respondents keeping in mind that the crucial date for promotion to Grade - I Warder for the year 2016-2017 as 15.07.2016, erroneously drew up the panel without including the name of the petitioners, as a result, some of the petitioners' juniors were also shown in the impugned promotional panel. If the said impugned order is allowed to proceed further, the petitioners would be put to grave prejudice without enjoying the benefit of promotion, to which, they are legally entitled to.

2.A perusal of the proceedings, dated 17.12.2012, passed by the first respondent herein clearly shows that the relinquishment period of the petitioners comes to an end on 06.12.2015, 06.12.2015 and 05.12.2015 respectively. Further, the petitioners are not facing any departmental proceedings and currency of punishment is not pending against them as on the crucial date, i.e., on 15.07.2016 for preparation of panel for promotion to Grade - I Warder for the year 2016-2017.



3. In view of the above, this Court is inclined to interfere with the impugned order. Hence, the respondents are directed to include the name of the petitioners in the same panel by properly modifying the impugned order.

Accordingly, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Additional Director General of Police and
Inspector of Prisons,
Tamil Nadu, Chennai - 600 008.

+One cc to The Special Government Pleader, SR.No.75774

+One cc to M/s.Veera Associates, SR.No.75556

smn2
RL/4C/3P/GT/SAR1/11/9/2017

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