



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 01.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.30914 of 2019

and

WMP.No.31004 of 2019

S. Krishnaveni

... petitioner

Vs

1. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Home Department,
Secretariat, Chennai- 600 009.

2. The Additional Director General of Prisons,
Egmore, Chennai- 600 008.

3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai- 600 002.

4. The Superintendent
Special Prison for Women,
Trichy -23
Trichy District.

.. respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus or any other appropriate writ, order or direction in the nature of writ to call for the records of the first respondent in Letter No.8641/Pri.II/2009-7, dated 16.06.2009 in so far as the petitioner is concerned and quash the same so far as this petitioner is concerned and issue directions to the respondents to appoint and regularize the petitioner as regular Female Escort Warder with all attendant and consequential benefits.

For petitioner
For respondents

... Mr.A.M.Packianathan Easter
... Ms.M.Lalitha, for R1,R2,R4
Mr.V.Kathirvelu,
Spl.Governmenbt Pleader for R3



O R D E R

With the consent of both the parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

WEB COPY

2. The petitioner filed this Writ Petition seeking to call for the records of the first respondent in Letter No.8641/Pri.II/2009-7, dated 16.06.2009 in so far as the petitioner is concerned and quash the same so far as this petitioner is concerned and issue directions to the respondents to appoint and regularize the petitioner as regular Female Escort Warder with all attendant and consequential benefits.

3. The case of the petitioner is that petitioner was sponsored by the Employment Exchange and appointed as temporary Female Escort Warder in Sub Jail, Thiruvidadaimaruthur and Special Prison for Women, Trichy, during the years 2000 and 2003 but the services of the petitioner was not regularised. Some of the Female Escort Warders filed O.A.No.5305/2000 etc. before the Tamil Nadu State Administrative Tribunal, Chennai with a prayer to regularize their services as regular Female Grade II Warders. The Tribunal by order dated 5.2.2000, allowed the original applications, directing the respondents to pay the applicants equal pay on par with the regular Female Grade II Warders and to pass orders with regard to the regularisations of the petitioners therein, taking into account the vacancy and absorb as many of them as possible. The first respondent in G.O.Ms.No.710, Home (Prison-II) Department, dated 17.08.2005 ordered to conduct a selection by the promotion board from among the temporary female Escort Warders with higher physical standards, which were not in existence at the time of original selection as temporary female Escort Warders on 20.02.2000 as per the Tamil Nadu Jail Subordinate Service Rules. Aggrieved by non-selection, the petitioners have filed W.P.Nos.13123/2005, 36551/2006, 36552/2006 and 15509 of 2008 and by order dated 10.12.2008, this Court allowed the writ petitions with a direction to the respondent to consider the writ petitioners' request to regularise the service of the petitioners from the date of their appointment with all consequential benefits. The respondents preferred writ appeal and the same were dismissed. It is the contention of the petitioner that the impugned order is not in tune with the said orders and the petitioners has now preferred the present Writ Petition with the above prayer as stated above.

4. According to the petitioner, the first respondent issued G.O.Ms.No.1838, Home (Prison II) Department, dated 29.07.1985 and ordered that the Women Wardner, who are working on daily wage pay shall be increased. Therefore, the petitioner's salary was also increased. It is stated in the affidavit that



in the year 2003, the Government decided to cancel the Sub Jail Women Wardens and therefore, the petitioner are not given employment after 2003 and some of the persons filed writ petitions before this Court to regularise their services and this Court directed the Government to regularise the services of the petitioners therein.

5. The learned counsel for the petitioners submitted that similarly placed persons were given relief by this Court in W.P.No.11909 of 2006, dated 21.07.2010. The said order was appealed by the respondents in Writ Appeal No.635 of 2011 and the writ appeal was also dismissed by this Court on 12.04.2011, following the earlier order made in W.A.Nos.179 and 180 of 2009, dated 26.04.2010. The learned counsel also submitted that in W.P.No.9550 of 2011 also, this Court by order dated 26.04.2011 issued directions to pass orders within three months in the light of the earlier orders passed. The Government issued G.O.Ms.No.65, Home Department, dated 25.10.2011 and allowed the claims.

6. The learned Special Government Pleader after taking notice for respondents submitted that similar direction may be issued in these writ petitions also.

7. The said orders were passed by this Court after the impugned order was passed. As the very same impugned order was already quashed, the impugned order in this writ petition is set aside in so far as petitioner is concerned and the matter is remitted to the first respondent to pass fresh orders bearing in mind the Division Bench order above referred, within a period of three months from the date of receipt of a copy of this order. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

MRN

To

The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Home Department,
Secretariat, Chennai- 600 009.



2. The Additional Director General of Prisons,
Egmore, Chennai- 600 008.

3. The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Chennai- 600 002.

4. The Superintendent
Special Prison for Women,
Trichy -23
Trichy District.

+1CC to Mr.A.M.Packianathan Easter, Advocate, SR.No.90493.
+1CC to SPL GP SR.No.91121.

W.P. No.30914 of 2019
and
WMP.No.31004 of 2019

BP(CO)
CSR:22/01/2020