

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.01.2020
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.35807 of 2019

M.Chitra

... Petitioner

Vs.

1. Government of Tamil Nadu,
represented by the Additional Chief Secretary to Government,
Home (Prison II), Department,
Fort st.George,
Chennai 600 009.
2. The Additional Director General of Police,
Whannels Road, Egmore, Chennai 600 008.
3. The Superintendent, Special Prison for Women,
Puzhal, Chennai 600 066. ... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent herein namely the Government of Tamil Nadu represented by the Additional Chief Secretary to Government Home (Prison II) Department, Fort St. George, Chennai 600 009 to issue suitable government orders to the effect of regularizing the petitioner's services in the post of IInd Grade Warder with effect from the date of her first appointment that is on 13.09.1988 and to grant to the petitioner the attendant, service and monetary benefits attached to the above said post and pay the resultant arrears out of such fixation within a short date that may be fixed by this Court in the light of the orders in W.No.635 of 2011 dated 12.04.2011 of this Court and G.O.Ms.No.952, Home Prison.II Department dated 29.12.2017 and also the arrears amount from 2002 to 2006 onwards.

For Petitioner	: Mr.K.S.Govinda Prasad
For Respondents	: Mr.P.S.Siva Shanmuga Sundaram Special Government Pleader

O R D E R

This writ petition has been filed seeking for the issue of writ of mandamus directing the respondents to regularize the service of the petitioner from the date of her first appointment.

2. The case of the petitioner is that she was appointed on a temporary basis as a Female Escort Warder through employment exchange in the year 1988. Subsequently, the petitioner was regularized in her post as Secondary grade warder with effect from 27.04.2009. The probation was declared by an order dated 19.09.2011.

3. The grievance of the petitioner is that some of the similarly placed persons have been regularized from the date of their initial appointment on temporary basis and therefore, the petitioner is also entitled to be considered and treated similarly. In view of this fact, the petitioner gave a representation to the respondent on 12.10.2019. Since the same was not considered, the present writ petition has been filed before this Court.

4. Heard the learned counsel appearing for the petitioner.

5. Mr.P.Siva Shanmugasundaram, learned Special Government Pleader appearing for the respondents submitted that the petitioner was very much aware of the fact that she was regularized in service only with effect from 27.04.2009. This position has been confirmed at the time of declaration of probation and which was made in the year 2011. The learned counsel therefore submitted that the petitioner does not have the right to make a claim for regularization from the year 1988 onwards, since the petitioner was not appointed in a sanctioned post at that point of time and the petitioner cannot make such a claim at this length of time based on the subsequent orders that were passed in the year 2017.

6. This Court has carefully considered the submissions made on either side and also perused the entire materials placed on record.

7. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to consider the representation made by the petitioner dated 12.10.2019 and deal with the same on its own merits and strictly in accordance with law and pass appropriate orders,

within a period of twelve weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the earlier representation dated 12.10.2019 and a copy of this order.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (C.O)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu,
represented by the Additional Chief Secretary to Government,
Home (Prison II), Department,
Fort St. George,
Chennai 600 009.
2. The Additional Director General of Police,
Whannels Road, Egmore, Chennai 600 008.
3. The Superintendent, Special Prison for Women,
Puzhal, Chennai 600 066.

+1cc to Mr.K.S.Govindaprasad Advocate sr410

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