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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.9623 OF 2014

S.Malarvizhi

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep.by the Secretary to Government,
Home Pr.II 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

PRAYER:

This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st 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 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 : M/s.A.M.Packianathan Easter

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



ORDER

Through the impugned order dated 16.06.2009, the request for regularization to the post of Female Escort Warder, was rejected. When some of them had challenged the rejection orders and sought for regularization before this Court, orders came to be passed, directing the respondents to adhere with the orders passed by the Division Bench of this Court in W.A.Nos.179 and 180 of 2009, dated 26.04.2010. The relevant portion of one such order in the case of S.Krishnaveni vs. the State of Tamil Nadu and others in W.P.No.30914 of 2019, dated 01.11.2019, reads as under:

"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



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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."

2. The aforesaid order has been passed in the same order which is impugned in the present writ petition and it would be applicable to the petitioner herein also.

3. Accordingly, the impugned order dated 16.06.2009 insofar as the petitioner herein is concerned, is quashed. Consequently, there shall be a direction to the first respondent to pass fresh orders, in the light of the earlier orders of this Court, passed in W.A.Nos. 179 and 180 of 2009, dated 26.04.2010, within a period of three months, from the date of receipt of a copy of this order.

4. Accordingly, the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Pns

Sub Assistant Registrar



To

1. The Secretary to Government,
State of Tamil Nadu,
Home Pr.II 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.

+2ccs to M/s.A.M.Packianathan Easter, Advocate, S.R.No.28254
+1cc to the Government Pleader, S.R.No.28902

W.P.No.9623 of 2014

AKII(CO)
PM/23/05/2022