



W.P.No.6983 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

THE HONOURABLE MR. JUSTICE Dr.D.NAGARJUN

W.P.No.6983 of 2015

K.Karpagam

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Home (Prisons) Department,
Secretariat, Chennai-9.

2. The Additional Director General of Prisons,
Chennai-8.

3. The Superintendent Central Prison,
Cuddalore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Ceriorarified Mandamus, directing the respondents to consider the petitioner's representation dated 20.1.2013 and 21.02.2015.



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For Petitioner : No Appearance
For Respondents : Mr.R.U.Dinesh Raj Kumar,
Additional Government Pleader

ORDER

This writ petition is filed seeking for a mandamus directing the respondents to consider the petitioner's representations dated 20.01.2013, and 21.02.2015.

2. No representation on behalf of the petitioner. Learned Additional Government Pleader appearing on behalf of the respondents is present. On earlier occasion also the petitioner had not represented himself. This Court listed this matter under the caption “for orders” today, even then the petitioner is not present today. It appears that the petitioner is not interested in submitting any arguments and prosecute the case any more.

3. The facts in brief as per the affidavit enclosed in this writ petition are that the petitioner was appointed as a Female Escort Warder on daily wage basis in the Sub Jail, Chidambaram, under the control of



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Superintendent of Central Prison, Cuddalore, by way of proceeding No.

Pro.No.9953/SJ./92-1, dated 05.03.11996, through Employment Exchange,

Cuddalore and the petitioner joined her duty on 08.03.1996. The petitioner continued to serve in the said post till 2001 and by virtue of her continuous and uninterrupted service, the petitioner become entitled to have her service regularised and to be absorbed in regular establishment but her services were not regularised. Seeking regularisation of her service, the petitioner submitted repeated representations to the respondents however, no actions are taken.

4. It is also mentioned in the petitioner's affidavit that similarly placed persons, to that of the petitioner's, had filed W.P.No.11909 of 2006 before this Court and this Court directed the respondent Authorities therein to regularise the services of the petitioners therein by granting relaxation of age, qualification stipulated in G.O.Ms.No.710, Home, dated 17.08.2005 by passing appropriate orders under Rule 48 of the General Rules for Tamil Nadu State and Subordinate Service with effect from the date of filing of the Original Application before the Tamil Nadu Administrative Tribunal and grant the benefits notionally from the date of regularisation, in its order dated 21.07.2010.



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5. The said orders were challenged by the respondents therein by way of Writ Appeal No. 635 of 2011 and the same was also dismissed on 12.04.2011 and accordingly the services of the petitioners were regularised. Similarly one Tmt. S.Rajarjeswari, who is petitioner's colleague has also filed W.P.No.19012 of 2012 before this Court and this Court has issued orders similar to that of in W.P.No.11909 of 2006 and the Government has appointed her in regular services.

6. The petitioner therefore, submitted a representation before the Superintendent of Central Prison, Cuddalore on 20.01.2013. Thereafter, she was issued a letter by the Superintendent of Central Prison, Cuddalore, vide Letter No.10293/Ki.Se.oo/2007, dated 03.04.2014, calling for the details of the service particulars of the petitioner. However, no orders have been received. Thereby, sought for suitable directions.

7. The learned Additional Government Pleader, appearing on behalf the respondents has filed a detailed counter affidavit providing the details, as to how the petitioner came into service and ultimately it is mentioned that the representation of the petitioner dated 20.01.2013, said to have been



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sent by the petitioner, was never received by the respondents. However, the petitioner's representation dated 21.02.2015 was received and considered by the third respondent and was rejected on the ground that she had not rendered 10 years of service as daily wage Female Escort Warder as stipulated in G.O.Ms.No.25, Home (Pri-II) Department dated 130.3.2009 vide his order No.3255/SJA/2015, dated 24.03.2015, and unless the petitioner completes 10 years of service as daily wage worker, she cannot be absorbed in the regular service. The respondents have given all the details of the number of days worked by the petitioner from the year 1996 to 2001.

8. Therefore, considering the G.O.Ms.No.25, Home (Pri-II) Department dated 130.3.2009, and number of days of service rendered by the petitioner, the petitioner is not entitled to be absorbed in regular services since she has completed 10 years of service as daily wage Female Escort Warder.

9. Heard learned Additional Government Pleader for the respondents and perused the records.



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WEB COPY 10. In view of the above observations, there is no merit in the writ petition and the relief as such sought for by the petitioner cannot be granted.

11. Accordingly, this writ petition stands **dismissed**. However, there shall be no orders as to costs.

08.11.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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Dr.D.NAGARJUN. J.,

(sha)

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