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W.P.No.25822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25822 of 2023

G.Rani

... Petitioner

Versus

1.Government of Tamil Nadu represented by the
Principal Secretary to Government,
Home (Prison.2) Department, Fort St.George,
Chennai 600009.

2.The Director General of Police & Director General of Prisons,
Whannels Road, Egmore, Chennai 600008.

3.The Superintendent,
Central Jail,
Vellore.

4.The Accountant General (A&E),
DMS Compound, Teynampet,
Chennai 600018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or order or direction directing the first respondent herein namely the Government of Tamilnadu represented by the Principal Secretary to Government, Home (Prison.II) Department, Fort St.George, Chennai 600009 by regularizing the service of the petitioner with retrospective effect from the date of her initial appointment that is on 16.06.1999 to 21.02.2005 by bringing her into the regular time scale of pay in the post of Grade II Warder with attendant, service and monetary benefits in the above said post, and to further promote the petitioner to the posts of Head Warder, Chief Head Warder, Assistant Jailor, Deputy Jailor and Jailor



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by creating a supernumerary posts and to grant pensionary benefits to the petitioner in the light of the orders passed by a Division Bench of this Court made in W.A.No.635/2011 dated 12.4.2011 and also in the light of the government orders issued in G.O.Ms.No.22, P&AR (F) Department dated 28.02.2006, G.O.(Ms)No.74, P&AR (F) Department dated 24.5.2013, G.O.(Ms)No.952, Home (Prison.II) Department dated 29.12.2017, together with arrears arising out of such promotion within a time-frame that may be stipulated by this Court.

For Petitioner : Mr.K.S.Govinda Prasad

For R1 to R3 : Mr.V.Jeevasiridharan,
Additional Government Pleader

For R4 : Mr.S.Balaji

ORDER

This Writ Petition has been filed to direct the 1st respondent to regularize the service of the petitioner with retrospective effect from the date of her initial appointment that is on 16.06.1999 to 21.02.2005 by bringing her into the regular time scale of pay in the post of Grade II Warder with attendant, service and monetary benefits in the above said post, and to further promote the petitioner to the posts of Head Warder, Chief Head Warder, Assistant Jailor, Deputy Jailor and Jailor by creating a supernumerary posts and to grant pensionary benefits to the petitioner in the light of the orders passed by the Hon'ble Division Bench of this Court made in W.A.No.635 of 2011, dated 12.4.2011 and also in the light of the government orders issued in G.O.Ms.No.22, P&AR (F) Department, dated



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28.02.2006, G.O.(Ms)No.74, P&AR (F) Department, dated 24.5.2013, G.O.(Ms)No.952, Home (Prison.II) Department, dated 29.12.2017, together with arrears arising out of such promotion within a time-frame that may be stipulated by this Court.

2.The grievance of the Writ Petitioner is that the petitioner was originally appointed by the proceedings of the Superintendent, Vellore Central Prison, Vellore on 10.06.1999 to the post of Temporary Female Escort Warder in regular basis. Now, the petitioner has given representation to the respondents to regularize the service of the petitioner with retrospective effect from the date of her initial appointment that is on 16.06.1999 to 21.02.2005 by bringing her into the regular time scale of pay in the post of Grade II Warder with attendant, service and monetary benefits in the above said post, and to further promote the petitioner to the posts of Head Warder, Chief Head Warder, Assistant Jailor, Deputy Jailor and Jailor by creating a supernumerary posts and to grant pensionary benefits to the petitioner.



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3.The learned counsel for the petitioner submitted the petitioner sent a representation on 04.01.2023 to the respondents, however, no orders have been passed till date.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that no document produced to prove the said representations have been sent to the respondents. According to them, they have not received any representation from the petitioner. If the representation is properly received, they will consider the same on merits and pass orders in accordance with law, within a period of three months.

5.In such view of the matter, there shall be a direction to the petitioner to give representation by way of registered post to the 1st respondent with acknowledgement card within a period of fifteen days from today and on such representation, the 1st respondent shall consider the same on merits and pass orders in accordance with law, within a period of three months.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1. Government of Tamil Nadu represented by the
Principal Secretary to Government,
Home (Prison.2) Department, Fort St. George,
Chennai 600009.
2. The Director General of Police & Director General of Prisons,
Whannels Road, Egmore, Chennai 600008.
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