



W.P.No.14771 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

C O R A M

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14771 of 2024

1. K. Gajalakshmi
2. A. Valarmathi
3. T.Arunabai
4. E. Kanagasunthari
5. N. Kalavathi
6. V. Malliga
7. M. Rathinam
8. R. Vasuki
9. M. Vasanthi
10. S. Thenmozhi
11. R. Rajasulochana

... Petitioners

Vs.

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.



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2. The Director General of Police/

Director General of Prisons and Correctional Services,
Tamil Nadu Prisons and Correctional Services Department,
Whannels Rad, Egmore, Chennai - 600 008.

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents herein to regularize the service of the petitioners as Grade II Female Warder from the date of their original appointment, in light of the orders by this Court in W.P.Nos.7880 of 2018, etc., batch, dated 10.08.2022 and grant them termial and pensionary benefits with all consequential service and monetary benefits within a time frame that may be fixed by this Court.

For Petitioners : M/s.G.Bala and Daisy

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader

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ORDER

The present Writ Petition is filed for the issuance of a Writ of Mandamus, to direct the respondents herein to regularize the service of the petitioners as Grade II Female Warder from the date of their original appointment, in light of the orders by this Court in W.P.Nos.7880 of 2018, etc., batch, dated 10.08.2022 and grant them termial and pensionary benefits with all



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consequential service and monetary benefits within a time frame that may be fixed by this Court.

2. The learned counsel for the petitioners submit that the petitioners were appointed through District Employment Exchange as Female Escort Warder in the year 1985 to 1993 and their services were regularized by the respondent in the year 2009 onwards. Now, the petitioners had retired from service. While being so, the Government had passed an order in G.O.Ms.No.155, Home (Prison II) Department, dated 13.03.2020, in which service of similarly situated persons was regularized from the date on which they had filed Original Applications/ Writ Petitions before the Tamilnadu Administrative Tribunal as well as this Court. Similarly placed persons had already approached this Court and the respondents therein were directed to regularize their services in the post of Female Escort Warder from the date of their original appointment so as to enable them to get regularization. Therefore, the petitioners have submitted a representation before the respondents herein seeking regularization from the date of their initial appointment dated 24.03.2024, but the same has not been considered by the respondents. Hence, this petition is filed.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. This issue has already been dealt with by this Court in ***W.P.No.25758 of 2022, dated 06.02.2024*** in the case of ***N.Vasantha Vs. the Secretary to Government, Home Department, Chennai and another.*** The relevant portion of the order is extracted hereunder:-

"4. This Court in WP.Nos.8269 and 42719 of 2006 ordered that the service of the petitioner to be regularised from the date of her appointment with all consequential benefits. Aggrieved by the same, the respondents filed writ appeal in WA.Nos.179 and 180 of 2009 and by order dated 26.04.2010, dismissed the writ appeal, however restricted the monetary benefits from the date of filing of the case. It has also been confirmed by the Hon'ble Supreme Court of India in the appeal filed by the respondents in SLP.Nos.6328 and 6329 of 2011. Similar writ petitions were ordered by this Court in WP.Nos.7880, 7881 & 7882 of 2018 dated 10.08.2022, wherein it is held as follows:

26. In the result, these writ petitions are disposed of by passing the following orders :

(i) That there shall be a direction to the respondents to treat the past service rendered by these petitioners as Female Escort Warders from 9.11.1992 in respect of petitioners in W.P.Nos.7881 and 7882 of 2018 and from



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03.05.2000 in respect of petitioner in W.P.No.7880 of 2018 as continuous service. It is made clear that the said past service shall be taken into account only for the purpose of continuity of service for service benefits and not for any back-wages or payment of any difference of pay.

(ii) If the said past service is taken into account, the petitioners would be entitled to seek for pensionary benefits on their superannuation/retirement under the Old Pension Scheme and accordingly, such benefit also shall be extended to them on their superannuation if they are otherwise eligible to."

5. In view of above-mentioned case and the judgment passed in ***W.A.Nos.179 and 180 of 2009, dated 26.04.2010***, the respondents are directed to regularize the services of the petitioners as Grade II Female Warder from the date of their original appointment, in within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

26.07.2024
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To

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai - 600 009.
2. The Director General of Police/
Director General of Prisons and Correctional Services,
Tamil Nadu Prisons and Correctional Services Department,
Whannels Rad, Egmore, Chennai - 600 008.

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W.M.P.No.16004 of 2024
in W.P.No.14771 of 2024

G.K.ILANTHIRAIYAN, J.

This petition is ordered on payment
of separate Court fee by each of the
petitioners, if already not paid.

26.07.2024

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