



W.P.No.25758 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25758 of 2022

N.Vasantha

... Petitioner

Vs.

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

2.Director General of Police/
Director General of Prisons and Correctional Services,
Tamilnadu Prisons and Correctional Services Department,
Whannels Road, Egmore,
Chennai 600 008

.... [RESPONDENTS]

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents herein to regularize the service of the petitioner as Grade II Female Warder from the date of her original appointment in light of the orders passed by the Division Bench of this Court in W.A. No.179 and 180 /2009 dated 26/04/ 2010 and also confirmed by the Hon'ble Supreme Court in SLP No.6328 and 6329 / 2011 dated 15 / 04/ 2011 which has



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been followed by this Court in orders passed in W.P.Nos.3658 and 6168 of 2021 dated 17 / 03 / 2021 together with all consequential service and monetary benefits within a time frame as deem fit and proper by this Court.

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

For Respondents : Mrs.K.L.Karthika,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to regularise the service of the petitioner as Grade-II Female Warder from the date of her initial appointment.

2. The petitioner was appointed as Female Escort Warder on 26.06.2000 considering her educational qualification and physical fitness. She was also qualified to hold the post of Grade-II Female Warder in the Prison Department. On 17.08.2005, the first respondent issued GO.Ms.No.710 Home (Pri.II) Department, in which a special selection has been ordered to appoint the female escort warders to the post of Grade-II Women Warders in the Jail Department as one time



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measure. The respondents called all the Female Escort Warders those who were appointed on or before 26.11.2002 and those who are fulfilling the age criteria. However, the petitioner was not called on the ground that she was over-aged. Therefore, the petitioner approached this Court in WP.No.10622 of 2012 for regularisation of her services. This Court, directed the respondents to consider her representation in the light of the order passed by the Division Bench. The first respondent passed GO.Ms.No.459 dated 05.07.2013 reinstating the petitioner as Grade-II Warder. After completion of requisite qualifying examinations, the petitioner submitted representation for regularisation of her service from the date of her original appointment so as to enable her to be eligible to get pension after retirement.

3. Heard, the learned counsel appearing on either side.

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



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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 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



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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 the above, the respondents are directed to regularise the service of the petitioner as Grade-II Female Warder from the date of her original appointment in the light of the orders passed by the Division Bench of this Court in WA.Nos.179 and 180 of 2009 dated 26.04.2010 confirmed by the Hon'ble Supreme Court of India in SLP.Nos.6328 and 6329 of 2011 dated 15.04.2011 together with continuity of service for all purposes and without any backwages or payment of any difference in salary, within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of.
There shall be no order as to costs.

06.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.The Secretary to Government,
Home Department,
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Chennai 600 009
- 2.Director General of Police/
Director General of Prisons and Correctional Services,
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