



W.A.(MD).No.1482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1482 of 2024
and
C.M.P.(MD)No.11516 of 2024**

- 1.The Chairman and Managing Director,
Tamil Nadu Police Housing Corporation Limited,
Kilpauk,
No.132, EVR Salai,
Kilpauk, Chennai – 600 010.
 - 2.The General Manager (Finance & Administration),
Tamil Nadu Police Housing Corporation Limited,
No.132, EVR Salai,
Kilpauk, Chennai – 600 010.
 - 3.The Superintending Engineer,
South Circle,
Tamil Nadu Police Housing Corporation Limited,
No.1, Inspector Quarters, TSP 6th Battalion Campus,
New Natham Road,
Madurai 625 014.
 - 4.The Executive Engineer,
Tamil Nadu Police Housing Corporation Limited
Trichy Division,
TSP 1st Battalion Campus,
Trichy – 620 012.
- ... Appellants

-VS-

G.Pauline Hepzibah

... Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.6322 of 2023, dated 26.04.2023.

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The first respondent, whose blood was sucked by the Tamil Nadu Police Housing Corporation from 1998 to 2013 by appointing her as a Typist on a daily wages basis for nearly 15 years, was finally appointed to a regular service in the year 2013. Ultimately she was sanctioned increment for one year and thereafter, that was also stopped. The respondent was denied the benefits of her service like gratuity, provident fund, etc., though her contribution towards provident fund was deducted from her salary, this is like rubbing salt in the wound. All that the Writ Court has done is to direct payment of those benefits to her, since she has worked for 7 ½ years as regular employee of the Corporation.

2.The learned Additional Government Pleader would however contend that she was appointed only temporarily on a consolidated pay and therefore, she is not entitled to the benefits.



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3.We are unable to agree with the said contention of the learned Additional Government Pleader for the reason that the order appointing her in the year 2013, does not say that she was appointed temporarily. The order very clearly says that she is appointed as a Typist on a scale of pay and subsequently, increment has also been granted to her. She has also passed account test as a regular employee.

4.We do not find any merit in the submission of the learned Additional Government Pleader. In the case of **Umadevi**, as early as in the year 2014, the Hon'ble Supreme Court has held that neither the Government nor its arms can appoint any temporary employee. These directions of the Hon'ble Supreme Court have been violated with immunity by the Government and its statutory Corporations for well over 20 years. We do not propose to condone such violation any further.

5.Hence, the Writ Appeal fails and it is accordingly, dismissed. The direction of the learned Single Judge shall be complied with within a period of eight weeks from today. A compliance report shall be filed by



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29.10.2024. Post the matter on 29.10.2024 '**for reporting compliance**'. No

Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

02.09.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn



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and
L.VICTORIA GOWRI, J.

Mrn

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