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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

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THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**AND****THE HON'BLE MR.JUSTICE C.KUMARAPPAN****WA No. 573 of 2021**

1. The State Of Tamilnadu
Rep By the Secretary To Government
Home Department Fort St, George, Chennai
-09
2. The Director General Of Police
Mylapore Chennai -4
3. The Additional Director General Of Police Cum
Inspector General Of Prisons, Chennai-8

..Appellant(s)

Vs

V.Padma

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent for issuing a writ of certiorarified mandamus to set aside the order passed by the Learned judge dated 28.07.2017 made in W.P No.18685/2014 and allow this writ appeal.

For Appellant(s):	Mr.R.Neelakandan Additional Advocate General asst by Mrs.M.Keerthika Government Advocate
For Respondent(s):	Mr.D.Daniel



JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

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Under assail is the writ order dated 28.07.2017 passed in W.P.No.18685 of 2014.

2. State preferred the present writ appeal mainly on the ground that respondent was initially appointed as Female Grade-II Warder in Prison Department on temporary basis. Initial appointment was not made in accordance with the Recruitment Rules. Subsequently, the services of the temporary Female Grade II Warders were terminated. After termination of the temporary services, these Female Grade II Warders submitted a representation to the Government to consider their case for permanent absorption. Government based on the policy decision taken in G.O.Ms.No.22, Personal and Administrative Reforms(F) Department, dated 28.02.2006 and based on other connected Government orders, considered the case of these Female Grade II Warders and issued G.O.Ms.No.225, Home (Prison-II) Department dated 13.03.2009, regularising their services in the sanctioned post in time scale of pay. Accordingly, respondent was brought under the regular establishment in time scale of pay from the year 2009 based on G.O.Ms.No.225, Home (Prison-II) Department dated 13.03.2009.

3. Admittedly, said Government order remains unchallenged. After a lapse of about 5 years, respondent has submitted a representation to the



authorities on 22.02.2014. In reply to the said representation, Additional Director General of Police/Inspector General of Prison passed an order on 02.04.2014, stating that respondent was initially appointed as temporary Female Escort Warder, and similar temporary employees filed cases before the Tamil Nadu Administrative Tribunal. Therefore, subsequently they were appointed as Grade II Warders in the Prison Department, and accordingly, rejected the claim of respondent for retrospective regularisation of her service in the post of Grade II Warder from her initial date of temporary engagement. The said rejection order dated 02.04.2014 came to be challenged in WP.18635 of 2014. Learned Single Judge considered the facts and granted retrospective regularisation.

4. Learned counsel for the respondent would submit that recent judgment of the Hon'ble Supreme Court of India in the case of ***Dharam Singh and Others Vs. State of UP and Another***¹ held that the principles laid down by the Constitutional Bench of the Hon'ble Supreme Court of India in the case of ***Secretary, State of Karnataka and Others Vs. Umadevi and Others***² are watered down. However, the facts established in each case is to be considered by applying the principles, wherever essential. Therefore, each case is to be considered on its own facts and taking note of the service rules and other mitigating factors. The Hon'ble Supreme Court in the case of ***Dharam Singh's case*** cited *supra* found that Class IV employees engaged

¹ 2025 INSC 998

² 2006 4 SCC 1



were serving for long decades and their services were not even regularised and consequently, granted the relief of regularisation.

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5. However, in the present case, Female Grade II Warder appointed temporarily were terminated, and based on the order of the Tamil Nadu Administrative Tribunal and considering their request, Government issued an order in G.O.Ms.No.225, Home (Prison-II) Department dated 13.03.2009, regularising their services in sanctioned post of Grade II Warder in Prison Department. Therefore, facts of the present case are distinct and the said judgment in the case of **Dharam Singh's case** cited *supra* has no application in the present case.

6. In the present case, regularisation order remains unchallenged and accepted by the respondent. That apart, a representation was given after a lapse of 5 years from the date of regularisation in the year 2009. Writ petition was filed in the year 2014. Thus, present claim seeking retrospective regularisation from the year 1988 deserves no merit consideration. In the event of considering these request, several such employees, whose services were regularised through Government's policy decision will also claim retrospective benefits, which will result in opening a pandora box, and the financial constraints of the State is also to be taken into consideration by High Courts in such issues.



7. Pertinently, in respect of the very same impugned writ order dated 28.07.2017, in WP.No.18681 of 2014, this Court considered and passed an order allowing the WA.No.3566 of 2019, dated 30.07.2024 filed by the State.

Therefore, there is no other reasons to reconsider the decision already taken by this Court. Accordingly, the writ order dated 28.07.2017 made in W.P No.18685 of 2014 is set aside, and the Writ Appeal is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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WEB COPY

WA No. 573 of 2



**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

GD

WA No. 573 of 2021

30-01-2026