

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.A. No.1266 of 2015 and M.P. No.1 of 2015

Life Insurance Corporation of India
represented by its Zonal Manager
Southern Zonal Office
LIC Building
No.183 Anna Salai
Chennai 600 002

Appellant/Respondent

vs.

M. Murugesan

Respondent/Writ Petitioner

Writ Appeal preferred against the order dated 31.07.2015 passed in M.P. No.2 of 2015 in W.P. No.23237 of 2015.

M.P.2/15 in W.P.23237/15: To grant an order of Interim Injunction restraining the respondent from filling up 15 posts of Apprentice Development Officers (Constituting 3% of the total 485 posts) pursuant to the impugned advertisement dated 01/06/2015 published the official website of the respondent.

Prayer: W.P.23237/15:- Writ of Certiorarified Mandamus calling Calling for the entire records connected with the impugned Advertisement dated 01.06.2015 and quash the same and consequently direct the Respondent to notify the Vacancies afresh in accordance with Section 33 of the Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act 1995 with the required Qualifications Age Limit Marks relaxation for Appointment for the Persons with Disabilities within a time frame fixed by this Honourable Court

For appellant Mr. G. Masilamani, Sr. Counsel
for M/s. C.K. Chandrasekar

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

Assailing the interim order dated 31st July 2015 rendered in M.P.No.2 of 2015 in W.P. No.23237 of 2015, the Life Insurance Corporation of India, the sole respondent in the writ petition, has come up with the instant intra-Court appeal.

2 The learned Senior Counsel appearing for the appellant submits that the appellant has been exempted from reserving 3% of vacancies for the disabled under the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short "the Act"). Further, the learned Senior Counsel has drawn our attention to the judgment dated 24.12.2001 passed by the Chief Commissioner for Persons with Disabilities, who is competent under the provisions of Section 59 of the Act, to take a decision in respect of the applicability of provisions of Section 32 of the Act, which provides for identification of posts which can be reserved for persons with disabilities.

3 Be that as it may, without expressing any opinion on the merits of the case, we reserve liberty to the appellant to make an application before the learned Single Judge, pointing out the aforesaid judgment rendered by the Chief Commissioner for Persons with Disabilities, for vacating the interim relief granted vide the impugned order, while issuing notice. In the event, an application is filed by the appellant within a week, along with a counter affidavit, the Registry is directed to list the same, after registering, if it is otherwise in order, within a period of four days from the date of filing.

4 The writ appeal stands disposed of with the above observation and direction. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

- 1.The Zonal Manager
Life Insurance Corporation of India
Southern Zonal Office
LIC Building
No.183 Anna Salai
Chennai 600 002
 - 2.The Chief Commissioner for persons with Dizabilities
G-31, Sec. for 39, Noida, Uttar Pradesh.
 - 3.The Section Officer (Posting),
Writ Section, High Court,
Madras 104. (Ref. para 3)
- +1 cc to to Mr.C.K.Chandrasekar, Advocate, sr.45997.

W.A. No.1266 of 2015

msm co
kra 14/09



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