

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31596 of 2017

J.Rijay
rep.by Father/Guardian
L.Jeyaseelan
No.25, First Cross Street
Baby Nagar, Velachery
Chennai 600 042 ... Petitioner

-vs-

1. Union of India
rep.by its Secretary to Government
Ministry of Social Justice & Empowerment
Department of Empowerment of
Persons with Disabilities
Paryavaran Bhawan, CGO Complex
Lodhi Road
New Delhi 110 003
2. The Director
National Institute for Empowerment of
Persons with Multiple Disabilities (NIEPMD)
Department of Disability Affairs
Ministry of Social Justice and Empowerment
East Coast Road, Muttukadu
Chennai 603 112 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to provide all the salary and other benefits to the petitioner on par with normal other employees.

For Petitioner :: Mr.R.Prabhakaran

For Respondents:: Mr.J.Madhanagopal Rao
Senior Panel Counsel

ORDER

The present writ petition has been filed seeking a mandamus, directing the respondents, namely, the Secretary to Government, Ministry of Social Justice & Empowerment, Department of Empowerment of Persons with Disabilities and the Director, National Institute for Empowerment of Persons with Multiple

Disabilities (NIEPMD), Department of Disability Affairs, Ministry of Social Justice and Empowerment, Muttukadu, Chennai to provide the salary and other benefits to the petitioner on par with other normal employees.

2. Learned counsel for the petitioner, in support of the prayer, has pleaded that the petitioner, being the son of the deponent, is suffering from autistic features with cognitive and functional ability. Despite his disability, he had completed S.S.L.C., and Diploma in Fine Arts (Painting & Drawing) and he was also granted awards like Best Self Employed Person by the Tamil Nadu Government in the year 2004, National Award as Role Model in 2001. Now he is aged about 38 years. Being self-sufficient and having proficiency in Tamil, English and Hindi, he has married and leading an independent life. While so, he was appointed as Special Employee in the second respondent-Organisation in the year 2009 and he was also assigned with the job of record keeping, making entries of patients in registers and attending to phone calls etc. It is stated that he has been carrying on the duties to the satisfaction of his superiors till date. But his grievance is that the respondents initially paid Rs.1,000/- per month, which was periodically enhanced and presently he is drawing Rs.3,200/- per month. As the monthly payment made to him is so meagre, he has been sending various representations to the respondents seeking enhancement of his salary on par with other normal employees and also with the benefit of regularisation. But there is no affirmative action on the part of the respondents. The learned counsel also submitted that as the petitioner was not paid with the salary on par with other employees working in the second respondent organisation, which is a department under the Union Ministry of Social Justice and Empowerment, they should set a role model by paying the minimum wages without any discrimination, which has not been done. Therefore, finding no response on his repeated representations, he has been advised to come to this Court.

3. When this Court is unable to see any appointment order appointing the petitioner in the second respondent-Organisation, the learned counsel for the petitioner submitted that the second respondent has not issued any appointment order, nevertheless, it is stated that the petitioner has been working continuously from 2009. It is also stated that he has been issued with an identity card signed by the Director of the National Institute for Empowerment of Persons with Multiple Disabilities (NIEPMD). Therefore, the learned counsel for the petitioner pressed for an interim order, while keeping the writ petition pending, till the respondents come forward with their counter affidavit(s).

4. By looking at the identity card said to have been issued by the Director, this Court may not be in a position to grant any interim order directing the respondents to maintain status quo. As the learned counsel for the petitioner has fairly admitted that the petitioner was not issued with any appointment

order by the competent authority except the identity card, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. Consequently, W.M.P.No.34725 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India
Ministry of Social Justice & Empowerment
Department of Empowerment of
Persons with Disabilities
Paryavaran Bhawan, CGO Complex
Lodhi Road
New Delhi 110 003
2. The Director
National Institute for Empowerment of
Persons with Multiple Disabilities (NIEPMD)
Department of Disability Affairs
Ministry of Social Justice and Empowerment
East Coast Road, Muttukadu
Chennai 603 112R

+2cc to Mr.R.Prabhakaran, Advocate SR.No.86476

sm:7.12.2017

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