

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.Nos.1795 to 1797 of 2017
and WMP.Nos.1782 to 1784 of 2017

R.Satish Kanna ... Petitioner in W.P.No.1795 of 2017
N.Nanthini ... Petitioner in W.P.No.1796 of 2017
K.Komala ... Petitioner in W.P.No.1797 of 2017

vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Welfare of Differently Abled Persons (DAP-1)
Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Principal Secretary/State Commissioner for the
Differently Abled,
K.K.Nagar,
Chennai-600 078.
- 3.The Project Officer [GIMR]
Differently Disabled Rehabilitation Centre,
Chengalpet. .. Respondents

Prayer in all W.Ps.: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to pass orders for sanctioning the payment of salary to the petitioner from April 2013 onwards and to continue the Early Intervention Centre for Mentally Regarded at Tambaram Sanatorium, Chennai 600 047, directly by the Department or to make other alternative arrangement based on the proposal forwarded by the 2nd respondent to the 1st respondent in Na.Ka.No.3285/C.pa/2014 dated 16.12.2015 by considering the representation submitted by the petitioner dated 21.12.2016, within a time frame.

For Petitioner : Mr.G.Sankaran
in all W.Ps.

For Respondent : Mr.K.Dhananjayan
in all W.Ps. Special Government Pleader

C O M M O N O R D E R

By consent, these Writ Petitions are taken up for final disposal.

2. The petitioners claim that they are hailing from poor family and they belong to Physically Disabled Person issued with Disability Certificate by Competent Authority and they are also having "Diploma in Early Intervention Certificate in Early Childhood Special Education and enabling inclusion in Mental Retardation". The petitioners would further aver that G.O.Ms.No.53, Welfare of Differently Abled Persons (DAP(2)) Department dated 25.10.2011 provides for starting Early Intervention Centre (EIC) for Mentally Retarded (MR) in Chennai and it was implemented through SRM Medical University, Kattankalathur, as a Non-Government Organization (NGO) at Government Institute of MR, Tambaram, Chennai-600 047. The petitioners were appointed as Warden, Special Instructor and Care Taker to work at EIC Tambaram and subsequently, they were appointed as Special Instructor to work at EIC Tambaram and they have been working as Special Instructor continuously without payment of salary from April 2013 onwards. However, the second respondent, taking into consideration the interest and welfare of the Mentally Retarded, has sent proposal dated 16.02.2015 to the first respondent praying for sanction of amounts for paying salary to the petitioners and the employees of the Tambaram Sanitorium has also given certificates to the petitioners as to their duties and responsibilities. The grievance expressed by the petitioners is that though the second respondent even after discontinuance of service at SRM University, an NGO, asked them to continue their work in that capacity and they have not been paid with salary so far. The petitioners, in this regard, had also sent individual representations dated 21.12.2016 to the first respondent, praying for payment of salary as well as continuance of service in respect of Mentally Retarded Persons through another NGO and despite receipt and acknowledgment, no orders have been passed and therefore, they forward with these writ petitions.

3. Heard the submissions of Mr.G.Sankaran, learned counsel appearing for the petitioners, Mr.K.Dhananjayan, learned Special

Government Pleader who accepts notice on behalf of the respondents and also perused the materials available on record.

4. Though the petitioners pray for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the first respondent to take note of the proposal sent by the second respondent dated 16.02.2015 and consider and dispose of the petitioners' representations dated 21.12.2016 and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the third respondent.

5. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jvm
To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Welfare of Differently Abled Persons (DAP-1) Department,
Secretariat, Fort St.George,
Chennai-600 009.

2.The Principal Secretary/State Commissioner for the Differently Abled,
K.K.Nagar, Chennai-600 078.

3.The Project Officer [GIMR]
Differently Disabled Rehabilitation Centre,
Chengalpet.

+3cc to M/S.G.Sankaran, Advocate Sr.4943
+1cc to the Government Pleader Sr.5075

W.P.Nos.1795 to 1797 of 2017

rsI[co]
srg 13/2/2017