

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.3550 of 2018

Tamil Nadu Association for the Rights of  
All Types of Differently Abled and Care givers - TARATDAC  
Represented by its State General Secretary  
S.Namburajan  
Registered No.292/2010,  
No.69, V.G.P.Road  
Saidapet, Chennai-600 015. .. Petitioner

Vs.

- 1.The Secretary to the Government  
Rural Development Department  
Fort St.George, Chennai-600 009.
- 2.The Secretary to the Government  
Differently Abled Welfare Department  
Fort St.George, Chennai-600 009.
- 3.The State Commissioner  
Welfare of Differently Abled  
Lady Wellington College Campus  
Chennai-600 005. .... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representations dated 22.01.2018 and 05.02.2018 sent by the petitioner seeking to provide 25% increase in subsidy in the light of Section 24 of the Rights of Persons with Disabilities Act, 2016 and to extend the time limit for applying enabling the differently abled persons to get benefited by the scheme.

For Petitioner : Mr.K.C.Karl Marx

For Respondents : Mr.D.Suriyanarayanan

Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. The case of the petitioner is as follows:-

The petitioner is an Association formed for the welfare of the disabled persons. The Government of Tamil Nadu introduced a scheme to empower working women, by enabling them to purchase women friendly two wheelers and the said scheme provides the differently abled persons for availing retro-fitted three wheeler scooters. The scheme provides a maximum subsidy of 50% of the cost of the two wheeler or Rs.25,000/-, whichever is lesser. Under Section 24 of the Rights of Persons with Disabilities Act, 2016, it is however provided that the quantum of assistance to the persons with disabilities under such schemes shall be atleast 25% higher than the similar schemes applicable to others. Therefore, the present scheme announced by the Government does not provide any increased subsidy to the persons with disabilities. Therefore, the petitioner sent a representation on 22.01.2018 to increase the subsidy. Another representation was also sent on 05.02.2018 to extend the time for availing the said scheme. Both the representations are not considered so far. Hence, the present writ petition.

3. Upon hearing the learned counsel for the petitioner and perusing the averments made in the affidavit filed in support of the writ petition, this Court is of the view that it is for the respondents to consider the grievance of the petitioner Association and pass orders on the representation made by them on merits and in accordance with law, as this Court, while disposing the writ petition at the admission stage itself is not inclined to express any view on the merits of the claim made by the petitioner. Accordingly, this writ petition is disposed of, only by directing the respondents to consider the representations of the petitioner dated 22.01.2018 and 05.02.2018 and pass orders on the same on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government  
Rural Development Department  
Fort St.George, Chennai-600 009.

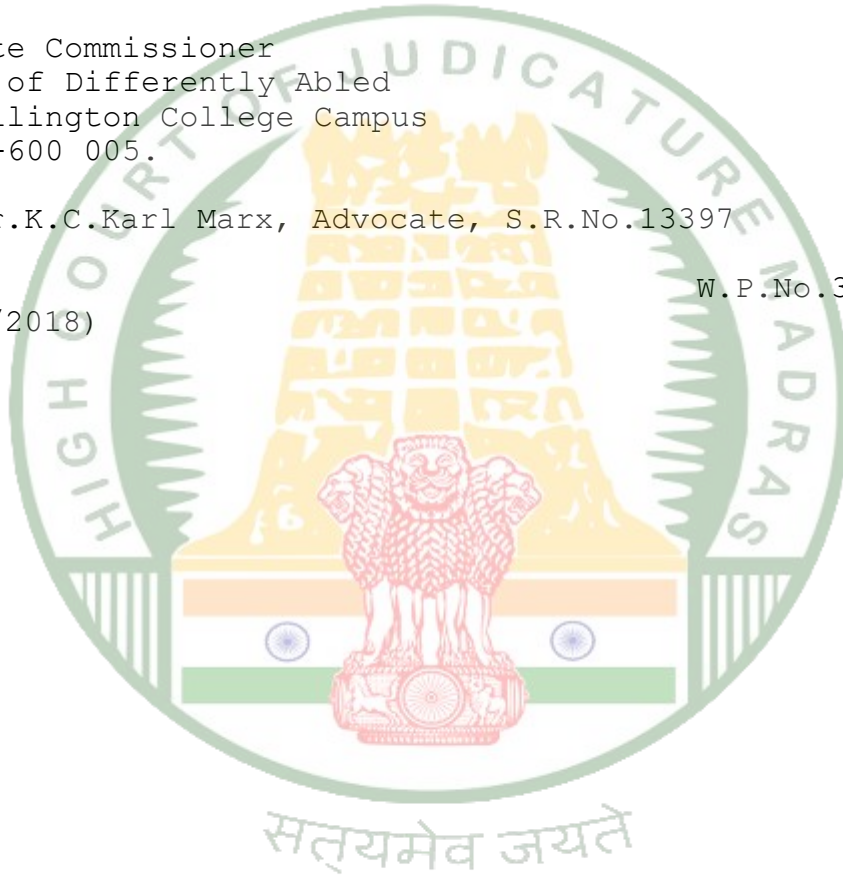
2.The Secretary to the Government  
Differently Abled Welfare Department  
Fort St.George, Chennai-600 009.

3.The State Commissioner  
Welfare of Differently Abled  
Lady Wellington College Campus  
Chennai-600 005.

+lcc to Mr.K.C.Karl Marx, Advocate, S.R.No.13397

W.P.No.3550 of 2018

RRK(22/02/2018)



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