

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19912 of 2007
and
M.P.Nos.1 to 4 of 2007

S.Chezhiyan .. Petitioner

Versus

1. Union of India
Rep.by the Secretary to Ministry of
Social Justice Empowerment,
New Delhi.

2. The Zonal Manager
Life Insurance Corporation of India,
Southern Zonal Office,
Chennai.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the records in Employment Notice dated 26.02.2007 in proceeding No. Nil and the order dated 24.05.2007 in proceeding No.Nil issued by the second respondent rejecting the petitioner application and quash the same and consequentially direct the respondent to reserve 3% of the Apprentice Development Officer posts to the disabled persons.

For Petitioner : M/s.D.Geetha

For Respondent No.1 : Mr.J.Madhanagopal Rao

For Respondent No.2 : Mr.S.Swaminathan

ORDER

The petitioner filed a writ petition to call for the records in Employment Notice dated 26.02.2007 in proceeding No. Nil and the order dated 24.05.2007 in proceeding No.Nil issued by the second respondent rejecting the petitioner application and quash the same and consequentially direct the respondent to reserve 3% of the Apprentice Development Officer posts to the disabled persons.

2. The case of the petitioner is that the petitioner is a disabled person and 3% of the vacancies are reserved in the employment. Since the petitioner was not sponsored through employment exchange, his name was rejected by the L.I.C.

3. The learned counsel for the 2nd respondent would submit that the post called for Apprentice Development Officer. Since, the petitioner is a disabled person, he is not able to perform the employment. Moreover, the 3% reservation is not applicable to the 2nd respondent organization. As in view of the decision and the 3% reservation not applicable to the 2nd respondent. It was upheld by the decision of the Court of Chief Commissioner for Persons with Disabilities by its order dated 24.12.2001 in para 5 held as follows:-

5. In view of the material available on record and taking due consideration of the fact that the appropriate Government in pursuance of Section 32 of Persons with Disabilities Act 1995 updated the list of identified posts vide 16-25/99-NI.I dated 31.05.2001 published in the Gazette of India dated 30.06.2001. As per this updated list of jobs, the post of Development Officer in the establishment of Respondent has not been found suitable for any category of persons with disabilities and further taking note of the fact that respondent at his own initiative has also not included the post under question in the list of identified posts. Therefore, the relief sought cannot be acceded to in accordance with the law.

4. Hence, I do not find any infirmity in the impugned order. Moreover the writ petition was filed in the year 2007 and no interim order was granted. Therefore, nothing survives for further adjudication.

5. Accordingly, writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

AT

To

1. The Secretary to Ministry of
Social Justice Empowerment,
Union of India,
New Delhi.

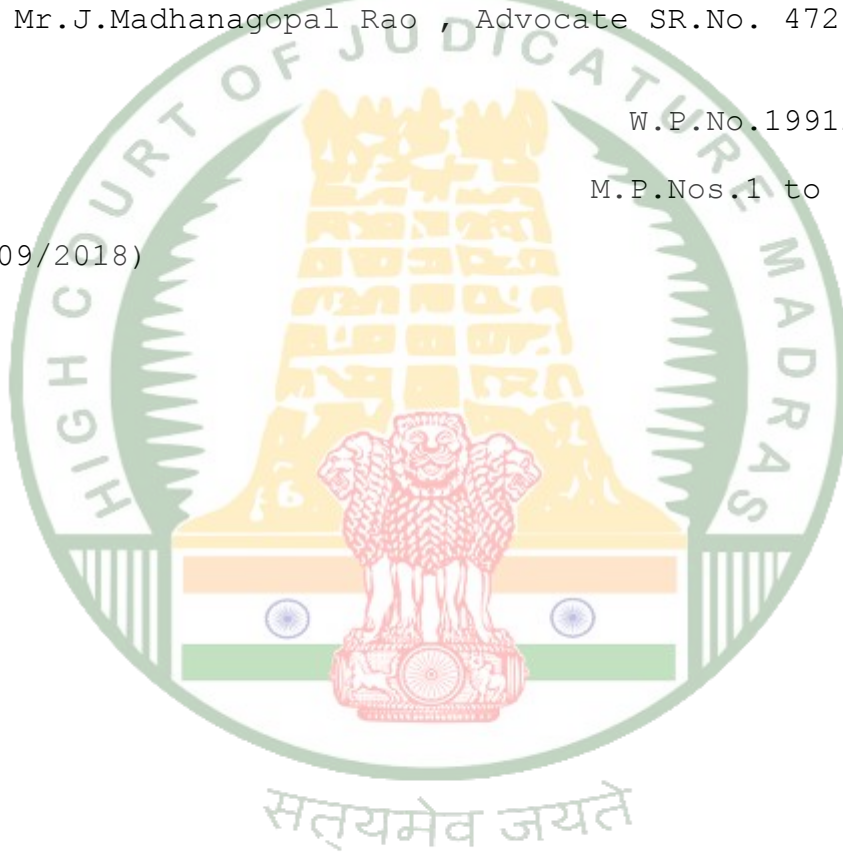
2. The Zonal Manager
Life Insurance Corporation of India,
Southern Zonal Office,
Chennai.

+1cc to Mr.S.Swaminathan , Advocate SR.No. 47140

+1cc to Mr.J.Madhanagopal Rao , Advocate SR.No. 47263

W.P.No.19912 of 2007
and
M.P.Nos.1 to 4 of 2007

ASK(18/09/2018)



WEB COPY