



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)**

Tuesday, the Twenty Third day of July Two Thousand Nineteen

PRESENT

**The Hon'ble Mr. Justice M.SATHYANARAYANAN
and
The Hon'ble Mr. Justice B.PUGALENDHI**

WP(MD) No.13055 of 2017

1 RAJA

... PETITIONER

Vs

1. THE COMMISSIONER OF
DIFFERENTLY ABLED PERSONS, 1ST FLOOR,
STATE RESOURCES CUM TRAINING CENTRE CAMPUS,
GOVERNMENT PERIPHERAL HOSPITAL CAMPUS,
JAWAHARLAL NEHRU INNER RING ROAD,
K.K.NAGAR,
CHENNAI-09.

2. THE DISTRICT COLLECTOR CUM
CHAIR-PERSON, DISTRICT CO-ORDINATION
COMMITTEE OF DISABLED PERSONS WELFARE,
MADURAI.

3. SAGUNTHALA
DISTRICT DISABLED PERSONS WELFARE OFFICER,
MADURAI DISTRICT.

4. S.ULAGANATHAN
JUNIOR REHABILITATION OFFICER,
MADURAI PERSONALLY WORKING AT SALEM

... RESPONDENTS

Prayer in WP(MD).No.13055 of 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st and 2nd Respondent to consider the petitioners representation dated 22.06.2017 in-order to take action against the 3rd and 4th Respondents herein based on the Joint Report of the Revenue Divisional Officer, Madurai and Deputy Registrar of Co-Operative, Madurai dated 03.11.2016 and in accordance with law.

ORDER : Writ Petition is coming upon for hearing on this date upon <https://hcservices.courts.gov.in/hcservices/> affidavit and the material papers filed, and upon hearing the arguments of Mr.RM.Arun Swaminathan, Advocate for the Petitioner, and of Mr.A.K.Baskara Pandian, Special Government



Pleader on behalf of 1st and 2nd Respondents, and of Mr.K.Samidurai, Advocate for the 3rd and 4th Respondent, this Court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The Writ Petition is styled as "Public Interest Litigation" filed by a person claims to be a social activist and also the General Secretary of "Thavalum Maatruthiranaligal Kootamaippu" and according to him the first respondent is the designated authority for proper and effective implementation of Prevention of disabilities, early detection and intervention, rehabilitation measures, providing special education, education and economic empowerment including self employment, development of professionals for rehabilitation, provision of assistive devices, creation of barrier free environment and social security.

2.It is the specific case of the petitioner that the fourth respondent, who is working as Junior Rehabilitation Officer and in collusion with the 3rd respondent District Disabled Persons Welfare Officer, had provided implements which have not been suitably fit and quality wise also it is not in order and in that process misappropriation also took place to the gain of the private respondents.

3.According the petitioner, in the light of the allegations, the Revenue Divisional Officer, Madurai has conducted an enquiry and forwarded his enquiry report vide communication in Na.Ka.No.2904/2016/M dated 03.11.2016 to the District Collector, Madurai District and till the filing of the writ petition no order has been passed on the said enquiry report.

4.This Court while disposing this Writ Petition along with W.P. (MD) No.7431 of 2017 vide order dated 19.01.2018, directed the first respondent to file Status Report, as to the stage of the disciplinary proceedings initiated against the respondents 3 and 4 and ordered listing of the matters for filing status report. When the matter was listed on 08.07.2019, it was brought to the knowledge of this Court that the Commissioner of Differently Abled Persons has passed order dated 07.07.2019 in Se.Mu.Na.Ka.No.4893/No.5/2016 ordering postponement of increments by six months. Therefore, this Court directed the appearance of the Commissioner of Differently Abled Persons and accordingly Mrs.P.Maheswari, I.A.S., the Commissioner of Differently Abled Persons is present before this Court with relevant records.

5.The prayer in the Writ Petition is for the issuance of a Mandamus to take action based on the enquiry report of the Revenue Divisional Officer dated 03.11.2016 and the Commissioner of Differently Abled Persons after eliciting response from the private respondents has passed order dated 07.07.2019, postponing the increments by six months without commutative effect.



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6. Therefore, in the light of the order dated 07.07.2019, of the first respondent, no further order is necessary in this Writ Petition. However, if the petitioner is so advised and it is available in law, he is at liberty to workout his remedy before the competent forum.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Differently Abled Persons,
1st Floor, State Resources cum Training Centre Campus,
Government Peripheral Hospital Campus,
Jawaharlal Nehru Inner Ring Road,
K.K.Nagar, Chennai.

2. The District Collector cum Chair-Person,
District Co-Ordination Committee of
Disabled Persons Welfare,
Madurai.

3. Tmt. P. Maheswari, I.A.S.,
The Commissioner of Differently Abled Persons,
Lady Wellington College Campus, Kamarajar Road,
Chennai-600 005.

4. The Secretary to Government of Tamil Nadu,
Social Welfare Nutrious Meal Programme Department,
Secretariat, Chennai-600 009.

5. The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. RM. Arun Swaminathan, Advocate, SR.No.77140.

+1CC to Mr. K. Samudurai, ADVOCATE, SR No.77012.

ORDER

IN

WP (MD) No.13055 of 2017

Date :23/07/2019

CS (20.08.2019) 3P 8C