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W.P.No.6333 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.6333 of 2022

and

W.M.P.Nos.9764, 14562 & 33630 of 2022

K.Moorthy

... Petitioner

Vs.

- 1.The Chief Secretary to Government,
State of Tamil Nadu,
St. George Fort,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Department of Labour & Employment,
St. George Fort,
Chennai – 600 009.
- 3.The Principal Secretary to Government,
Department of Personnel & Administrative Reforms,
St. George Fort,
Chennai – 600 009.
- 4.The Principal Secretary to Government,
Department of Welfare of Differently Abled Persons,
St. George Fort,
Chennai – 600 009.
- 5.Tamil Nadu Public Service Commission,
Through its Secretary,
Park Town, Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai.



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6.The Commissioner of Labour,
Commissionerate of Labour,
DMS Campus, DMS Subway,
Anna Salai, Teynampet,
Chennai – 600 005.

7.The Commissioner for Welfare of Differently Abled Persons,
Commissionerate for the Welfare of Differently Abled,
KK Nagar, Chennai – 600 083.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 03.02.2022 and to identify the posts in all Departments including Labour Department for Persons with Disabilities in all categories and frame necessary Guidelines/Rules and issue appropriate instructions as to how to work out the reservation for Persons with Disabilities in all the posts, including posts by promotion.

For Petitioner : Mr.P.Saravanan

For R1 to R4, : Mr.V.Jeevagiridharan
R6 & R7 Additional Government Pleader

For R5 : Mr.S.Karthick Rajan
Standing Counsel

ORDER

This writ petition has been filed to direct the respondents to

consider the petitioner's representation dated 03.02.2022 and to identify

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the posts in all Departments including Labour Department for Persons with Disabilities in all categories and frame necessary Guidelines/Rules and issue appropriate instructions as to how to work out the reservation for Persons with Disabilities in all the posts, including posts by promotion.

2.The main grievance of the petitioner is that the 4% reservation provided under the Rights of Persons with Disabilities Act, 2016, is not being implemented properly. Hence, the petitioner seeks directions to identify the posts in all Departments in all categories and frame necessary Guidelines/Rules to implement the said reservation in all posts, including promotions.

3.In the counter affidavit filed by the respondents, it is stated that the Government have constituted a Sub-Committee vide G.O.No.29, Welfare of Differently Abled Persons Department, dated 03.11.2022, to draft a policy of the Government for reservation in promotion to Differently Abled Persons and the said Sub-Committee has submitted its report on recommendations for reservation in promotion for persons with benchmark disabilities to the High Level Committee on 02.05.2023. The Government of Tamil Nadu have issued orders in G.O.No.33, Welfare of



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Differently Abled Persons Department, dated 15.12.2022, to form a High

Level Committee consisting of the following members :

1.	Secretary to Government, Human Resources Management Department	Chairman
2.	Department representative as recommended by Additional Chief Secretary to Government, Finance Department	Member
3.	Secretary to Government, Welfare of the Differently Abled Persons Department	Member
4.	Secretary (Legal affairs), Law Department	Member
5.	Commissioner for Welfare of the Differently Abled	Member Secretary/ Convenor

Thereafter, the High Level Committee has to scrutinise the report submitted by the Sub-Committee and they have to submit a report to the Government, after which the Government has to take a decision on the same. The 4% reservation in promotion to the Differently Abled Persons is under active consideration of the Government of Tamil Nadu.

4.Since the counter affidavit itself sufficiently addresses the grievance of the petitioner, this writ petition is disposed of with a direction to the High Level Committee to file a report after examining the report submitted by the Sub-Committee, and on such filing of the report by the High Level Committee, the Government shall take a decision on the same.

Such exercise shall be completed as expeditiously as possible. No costs.

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Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Chief Secretary to Government,
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St. George Fort,
Chennai – 600 009.
- 2.The Principal Secretary to Government,
Department of Labour & Employment,
St. George Fort,
Chennai – 600 009.
- 3.The Principal Secretary to Government,
Department of Personnel & Administrative Reforms,
St. George Fort,
Chennai – 600 009.
- 4.The Principal Secretary to Government,
Department of Welfare of Differently Abled Persons,
St. George Fort,
Chennai – 600 009.
- 5.The Secretary,
Tamil Nadu Public Service Commission,
Park Town, Tamil Nadu Public Service Commission Road,
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6 The Commissioner of Labour,

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7.The Commissioner for Welfare of Differently Abled Persons,
Commissionerate for the Welfare of Differently Abled,
KK Nagar, Chennai – 600 083.

8.The Secretary to Government,
Human Resources Management Department,
Secretariat, Chennai – 600 009.

9.The Additional Chief Secretary to Government,
Finance Department,
Secretariat, Chennai – 600 009.

10.The Secretary to Government,
Welfare of the Differently Abled Persons Department,
Secretariat, Chennai – 600 009.

11.The Secretary (Legal affairs),
Law Department,
Secretariat, Chennai – 600 009.



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