



WEB COPY

W.P.No.1671 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.09.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.1671 of 2017

P.Annadurai

... Petitioner

Vs.

1.The Government of Tamilnadu,
represented by its Secretary,
Revenue Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner,
Revenue Administration Department,
Chepauk, Chennai – 5.

3.The Special Commissioner,
Revenue Administration Department,
Chepauk, Chennai – 5.

4.The District Collector,
Pennaiyar Road,
Cudalore, Tamil Nadu 607 001.

.... Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to promote the petitioner as Sub-Collector after reserving 4% of the vacancies to persons under the Persons with Disabilities (Equal Opportunities, Protection of rights and full participation) Act, 2016.



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For Petitioner : Mr.V.Vikram

for Mrs.V.Srimathi

For Respondents : Mr.U.Baranidharan
Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of mandamus seeking a direction to the respondents to promote the petitioner as Sub-Collector after reserving 4% of the vacancies to persons who can claim privilege under the Persons with Disabilities (Equal Opportunities, Protection of rights and full participation) Act, 2016.

2. It must be appreciated that the petitioner herein, who suffers 80% disability and also has necessary certificate to that effect, had originally joined as Office Assistant in the year 1981 and had been subsequently promoted and had finally retired as Special Tahsildar on attaining the age of superannuation pending the Writ Petition, during the year 2018.

3. The Writ Petition has been however filed seeking further promotion to the petitioner from the post of Special Tahsildar to the post of Deputy Collector. The post of Deputy Collector is filled up either by direct recruitment or by State wide seniority list, which is prepared.

4. The petitioner claims that since he has 80% disability, in that particular seniority list, special reservation should be given to him and he



should be so promoted as Deputy Collector.

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5. It is now informed that the State of Tamil Nadu had formed a Commission to look into the grant of promotional benefits to those who are suffering from various disabilities and therefore, only when such report is submitted, a concrete decision could be taken by the respondents.

6. Hence, the petitioner should necessarily have to wait till the Commission gives its report. If the Commission gives its report granting the benefit retrospectively, I am confident that the respondents would examine it in proper light. As on date, a direction as sought for by the petitioner cannot be issued, but I would keep the doors open for him to once again explore the possibility of getting promotion to the post of Deputy Collector depending on the nature of report given by the One Man Commission.

7. This Writ Petition stands disposed of. No costs.

SI

05.09.2023

Index: Yes/No

Speaking/Non-speaking order

Neutral citation: Yes/No

To

1.The Government of Tamilnadu,
represented by its Secretary,
Revenue Department,
Fort St. George, Chennai – 600 009.



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2.The Commissioner,
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