



W.P.No.18774 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.18774 of 2023

K.Moorthy

... Petitioner

vs.

1. The Principal Secretary to Government,
Department of Labour Welfare & Skill Development,
Secretariat, St.George Fort,
Chennai 600 009.
2. The Principal Secretary to Government,
Department of Human Resources Management,
Secretariate St.George Fort,
Chennai 600 009.
3. The Principal Secretary to Government,
Department of Welfare of Differently Abled Persons,
Secretariate, St.George Fort,
Chennai 600 009.
4. The Commissioner of Labour,
Commissionerate of Labour,
DMS Campus, DMS Subway,
Annasalai, Teynampet, Chennai 600 005.



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5. The Commissioner for Welfare of Differently Abled Persons,
Commissionerate for the Welfare of Differently Abled,
Lady Wellington College campus,
Chennai 600 005.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 13.12.2022 and to fix time frame to complete the proposal to identify the posts for promotion of physically challenged persons in pursuant of 3rd respondent's G.O.Ms.No.33 dated 15.12.2022 consequently to direct the 1st respondent to provide the promotion to the petitioner from Post of Assistant Commissioner of Labour to Post of Deputy Commissioner of Labour.

For Petitioner : Mr.P.Saravanan

For Respondents : Mr.S.Prabhakaran
Govt.Advocate.

ORDER

This writ petition has been filed to issue a writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 13.12.2022 and to fix time frame to complete the proposal to identify the posts for promotion of physically challenged persons in



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pursuant of 3rd respondent's G.O.Ms.No.33 dated 15.12.2022 and for a consequential direction to the 1st respondent to provide the promotion to the petitioner from the Post of Assistant Commissioner of Labour to the Post of Deputy Commissioner of Labour.

2. It is the case of the petitioner that the petitioner belongs to Hindu Adi-Dravidar (SC) Community and has completed B.L., degree. He is physically challenged person and working as Assistant Labour Commissioner through the Tamil Nadu Public Service Commission on 08.03.2019. Further, the petitioner joined duty as Assistant Commissioner of Labour at Ramanathapuram and he have been working as Assistant Commissioner of Labour, Perambalur since 26.11.2020 in the present post. The 6th respondent has issued vide Memorandum No.E2/12600/2019 dated 17.02.2022 to prepare for panel of Assistant Inspectors of Labour/Stamping Inspectors, Statistical Inspectors/Superintendents fit for promotion as Deputy Inspectors of Labour for the year 2020-21 and 2021-22 and directed the Regional Joint Commissioner of Labour/Additional Commissioners of Labour are requested to certify that no disciplinary proceedings/Vigilance Enquiry are pending as on date in respect of



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individuals who are mentioned in the Annexure (which is attached with the Memorandum), with remarks on or before 18.02.2022 through e-mail and also by post. The petitioner was affected by 40% of blindness which was certified by the competent authority under Right of Persons with Disability Act, 2016. Thereafter, the petitioner has also given a detailed representation to the 2nd respondent. Till date, no action has been taken on the said representation. Hence, the petitioner has come forward with the present writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the 5th respondent has issued written instructions vide R.O.C.No.1153/PLC/2023 dated 07.01.2025, in which, it is stated as follows:-

8. The policy for implementing this reservation has reached finality and is just a matter of time taken for procedure laid down in law for bringing amendments to Tamil Nadu Government Servants(Conditions of Services) Act, 2016. In the light of the above, 3 months time may be prayed before the Hon'ble Court to complete the procedural formalities for bringing out the amendments in Tamil Nadu Government Servants(Conditions of Services) Act, 2016.

4. Heard the leaned counsel for the petitioner and the learned



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Government Advocate for the respondents and also perused the materials
evidence available on records.

5. In view of the above submissions made on either side, the first respondent is directed to consider the representation of the petitioner dated 13.12.2022, after the amendments are carried out in the rules and regulations, and pass appropriate orders on merits, in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6. This writ petition stands disposed of with the above observations and directions. No costs.

08.01.2025

Index : Yes/No
Internet : Yes/No
Speaking : Non-speaking Order
Neutral Citation : Yes/No
kkd

J.SATHYA NARAYANA PRASAD, J.



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WEB COPY

To

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