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W.A.No.1780 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER**

**W.A.No.1780 of 2025
and
C.M.P.No.13586 of 2025**

The State Commissioner,
Commissionerate for the Disabled /
Physically Challenged
Office at Jawaharlal Nehru Salai,
Inner Ring Road, K.K.Nagar,
Chennai - 600 078.

...

Appellant

versus

K.Ramesh,
S/o.C.Kasinathan,
No.22, Iyavanallur,
Korkai Post, Mayiladuthurai Taluk,
Nagapattinam District.

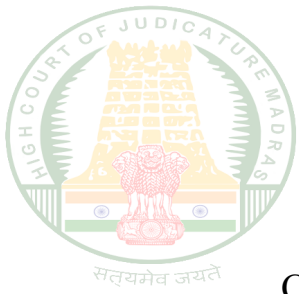
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Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.17832 of 2016 dated 16.06.2023.

For Appellant : Mr.P.Ananda Kumar
Government Advocate

For Respondent : Mr.P.Ganesan



JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in this appeal is to the order of the Writ Court made in

W.P.No.17832 of 2016 dated 16.06.2023.

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2. The sole ground on which the appointment of the respondent was said to be irregular was that it was not notified through Employment Exchange. The writ court had found that there was no necessity to notify the Employment Exchange, as the respondent was employed as a Watchman, which falls within the exempted category under Section 2(i) of the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959. The learned Single Judge has also found that other than the claim that it was not notified through the Employment Exchange, all the other procedures were followed even during the initial employment of the respondent.

3. The learned Government Advocate appearing for the appellant would however, attempt to rely upon G.O.(Ms.)No.49 Personnel and Administrative Reforms (F) Department dated 14.05.2002, which directs that Group “D” posts should be progressively outsourced. Admittedly, the post was not outsourced when the respondent was appointed.



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4. Reliance is also placed on G.O.(Ms.)No.44 Labour and Employment (T2) Department dated 11.03.2015, in which directions were issued to implement the guidelines issued by the Division Bench of this Court in W.A.No.1027 of 2013 dated 09.06.2014. This Government Order can only be prospective and cannot govern an appointment made in the year 2011.

5. Hence, we do not see any reason to interfere with the order of the writ court. The Writ Appeal therefore fails and it is accordingly **dismissed**. Eight (8) weeks time is granted to the appellant to comply with the orders issued by the learned single Judge. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (K.S., J.)
17.06.2025

Speaking order

Index : No
Neutral Citation : No

sri

To

The State Commissioner,
Commissionerate for the Disabled /
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3/4



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