

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

WP(C).No. 32204 of 2013 (A)

PETITIONER:

**V.RAJENDRAN
DEVELOPMENT OFFICER GR.I
NATIONAL INSURANCE COMPANY LTD.
KANOOS EAST FORT COMPLEX, KUNNATHOORMED P.O.
PALAKKAD-13, RESIDING AT NARIKODE
KALLEPULLYU.P.O. PALAKKAD-678005.**

**BY ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT ANNIE JACOB
SMT.P.A.RINUSA**

RESPONDENT(S):

- 1. NATIONAL INSURANCE COMPANY LTD.
REPRESENTED BY CHAIRMAN-CUM-MANAGING DIRECTOR
NO.3, MIDDLETON STREET, CALCUTTA-700071.**
- 2. THE DEPUTY GENERAL MANAGER
NATIONAL INSURANCE COMPANY LTD., REGIONAL OFFICE
OMANA BUILDING, PADMA JUNCTION, JEWS STREET
KOCHI-682011.**
- 3. THE SENIOR DIVISIONAL MANAGER
(DISCIPLINARY AUTHORITY SCALE IV)
NATIONAL INSURANCE COMPANY LTD., DIVISIONAL OFFICE
KOLLANUR DEVASI SMARAK BUILDING, THRISSUR-680001.**
- 4. THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LTD.
KANOOS EAST FORT COMPLEX, KUNNATHOORMED.P.O.
PALAKKAD-13.**
- 5. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT SCHEDULED
CASTES AND SCHEDULED TRIBES DEVELOPMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**

***ADDL. 6TH AND ADDL.7TH RESPONDENTS IMPEADED**

***ADDL R6
CHAIRMAN, SCRUTINY COMMITTEE FOR VERIFICATION
OF COMMUNITY CERTIFICATES.**

WP(C).No. 32204 of 2013

***ADDL R7**

**SECRETARY TO GOVERNMENT FOR SCHEDULED CASTES
AND SCHEDULED TRIBE DEVELOPMENT (G) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM -35**

SUO MOTU IMPEADED AS PER DATED 21/5/2015.

R1 BY ADV. SRI.P.K.MANOJKUMAR

BY SPECIAL GOVERNMENT PLEADER SMT. P.K. SANTHAMMA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE RELEVANT PAGES OF PETITIONER 'S S.S.L.C. BOOK.

EXT.P2. TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 4-1-1985 ISSUED BY THE TAHSILDAR. PALGHAT.

EXT.P3. A TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 18-4-1986 ISSUED BY THE TAHSILDAR, PALGHAT.

EXT.P4. A TRUE COPY OF THE ORDER DATED 21-12-1996 ISSUED BY THE SCRUTINY COMMITTEE.

EXT.P5. A TRUE COPY OF THE ORDER DATED 29-4-1997 ISSUED BY THE GOVERNMENT.

EXT.P6. A TRUE COPY OF THE JUDGMENT DATED 1-7-2005 IN OP NO. 8469/1997 OF THIS HON'BLE COURT.

EXT.P7. A TRUE COPY OF THE NOTICE DATED 28-12-2009 ISSUED BY THE SCRUTINY COMMITTEE.

EXT.P8. A TRUE COPY OF THE PETITION DATED 14-11-2009 SUBMITTED BY THE PETITIONER BEFORE THE SCRUTINY COMMITTEE.

EXT.P9. A TRUE COPY OF THE ORDER DATED 19-12-13 ISSUED BY THE 3RD RESPONDENT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

P.V.ASHA, J.

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W.P.(C). No.32204 OF 2013

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Dated this the 4th day of June, 2015

JUDGMENT

The petitioner has filed this Writ Petition challenging Ext.P9 order by which he has been placed under suspension, pending disciplinary proceedings, on account of alleged submission of SC Caste Certificate for appointment under the 1st respondent.

2. Petitioner points out that by Ext.P6 judgment in O.P.No.8469/1997, this Court quashed Exts.P4 and P5 proceedings in respect of determination of his caste status, observing that the issue was covered in favour of the petitioner in the decision dated 11.7.2002 in MFA No.1318/1999. Thus petitioner has been enjoying the benefit of status of Scheduled Caste Community. In that judgment, this Court made it clear that competent authorities will be free to take steps under the provisions of

Act 11 of 1996. Subsequent to that Ext.P7 notice was issued to petitioner by the Chairman, Scheduled Caste Scrutiny Committee, proposing a personal hearing regarding his caste status, on 17.2.2010. The order in Ext.P9 has been issued by the 1st respondent, thereafter, on account of the alleged submission of caste certificate for appointment under the 1st respondent.

3. As it is pointed out that the proceedings have not been finalised on the basis of Ext.P7 notice, petitioner cannot be proceeded against on allegations as to submission of false caste certificate, before conclusion of the said proceedings and determination of his caste status. Therefore, it is unnecessary to keep the petitioner under suspension on the ground stated in Ext P9 order.

4. Under the above circumstances, Ext.P9 order is quashed. At the same time, additional 6th respondent shall finalise the inquiry on the basis of Ext.P9 regarding the Caste status of the petitioner in accordance with law, with due notice to the petitioner, opportunity to adduce

evidence, and for hearing, within a period of 6 months from the date of receipt of a copy of this judgment.

Accordingly this writ petition is disposed of.

Sd/-
P.V.ASHA, JUDGE

SKV