

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.27467 of 2015

and

M.P.No.1 of 2015

V.Ravindran

.. Petitioner

vs

1.The General Manager

Indian Bank

Corporate Office/HRM

Department

No.254-260, Avvai Shanmugam Salai

Royapettah, Chennai 14.

2.Deputy General Manager

Indian Bank

Corporate Office/HRM Department

No.254-260, Avvai Shanmugam Salai

Royapettah, Chennai 14

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent to promote the petitioner as Junior Management Grade, Scale - I (JMG, Scale-I), with effect from 13.12.2007, the list of which is issued by the first respondent with all attendant benefits and also future promotions.

For Petitioner : Mr.M.V.Venkateshan

For Respondents : Mr.Jeysh B. Dolia
for M/s.Aiyar and Dolia

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he belongs to Kattunayakkan Community, which is a Scheduled Tribe, and the jurisdictional Tahsildar has also issued a Community Certificate to that effect, based on which, he was given appointment under the Scheduled Tribe quota; however, the respondents acting on an

anonymous petition, directed him to get his Community Certificate confirmed by the competent authority and challenging the same, he filed O.S.No.26 of 1988, on the file of the Sub Court, Pudukottai, to declare that he belongs to Hindu Scheduled Tribe Caste viz. Kattunaicker Community, and for consequential relief and the suit was dismissed and so also the appeal in A.S.No.31/1995, filed by him on the file of the Court of Additional District Judge cum Chief Judicial Magistrate, Pudukottai, and so also the second appeal in S.A.No.1111 of 1996, which came to be dismissed on 29.6.2010, by this Court.

3.It is further stated by the petitioner that in the light of the judgment rendered by the Hon'ble Supreme Court of India and reported in (1991) 6 SCC 241 (KUMARI MADHURI PATIL AND ANOTHER V. ADDITIONAL COMMISSIONER, TRIBAL DEVELOPMENT AND OTHERS), the Civil Court has no jurisdiction to ascertain and declare the community status and only the competent authority has jurisdiction to do so and the State Level Scrutiny Committee vide proceedings dated 30.3.2015, has declared that the petitioner belongs to Kattunayakkan Community.

4.The grievance expressed by the petitioner, is that though he is eligible to be promoted as Junior Management Grade (JMG) (Scale-I, he has not been given so and in this regard, has submitted a representation dated 1.4.2015, to the first respondent and his cause is also being espoused by his Union in the form of representation dated 15.4.2015, and since the first respondent did not choose to pass orders, he came forward to file this writ petition.

5.The learned Counsel appearing for the petitioner, would submit that in the light of the order dated 30.3.2015, passed by the State Level Scrutiny Committee declaring that the petitioner belongs to Hindu Kattunayakan Scheduled Tribe Community, there cannot be any impediment on the part of the first respondent to consider the claim of the petitioner for promotion to the post of JMG (Scale-I) and hence, prays for appropriate orders.

6.The Court heard the submissions of Mr.Jeysh 'B' Dolia representing M/s.Aiyar and Dolia, who accepted notice on behalf of the respondents, also.

7.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider the petitioner's representation dated 1.4.2015, on merits and in accordance with law, after taking into consideration the proceedings/order of the Tamil Nadu State Level Scrutiny Committee dated 30.3.2015, in No.14900/CV.2/2010, and pass orders thereon within a period of eight weeks from the date of

receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To:

1.The General Manager
Indian Bank
Corporate Office/HRM
Department
No.254-260, Avvai Shanmugam Salai
Royapettah, Chennai 14.

2.The Deputy General Manager
Indian Bank
Corporate Office/HRM Department
No.254-260, Avvai Shanmugam Salai
Royapettah, Chennai 14

3.Mr.V.Ravindran
S/O.Venugopal
clerk cum Cashier Indian Bank
Melur Branch Madur

+2 cc to Mr.M.V.Venkataseshan Advocate sr.47110

W.P.No.27467 of 2015

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