

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34170/2015

C.Varalakshmi

..Petitioner

Vs

1.The General Manager
Union Bank of India
No.139, Broadway,
Chennai 600 108.

2.The Chief Manager
Union Bank of India,
Divisional Officer, No.649-650
I Floor, Oppanakara Veethi
Coimbatore District.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents to appoint the petitioner in the post of Peon-cum-Hamal in the respondents Bank.

For Petitioner : Mr.M.Sriram

For R1&R2 : Mr.Srinath Sridevan

ORDER

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

2 The petitioner claims that she belongs to Hindu Scheduled Tribe Kattunaicken community and she was provisionally selected for the post of Peon-cum-Hamal in the services of the respondents/Bank.

3 The petitioner was subsequently referred to medical test and she was also successful and however the 2nd respondent has insisted the petitioner to produce the latest Community Certificate vide his communication dated 25.08.2009. In the light of the said requirement, the petitioner has also applied to the jurisdictional Revenue Divisional Officer for the issuance of Community Certificate by filing an application dated 01.12.2009.

4 In the interregnum, the 2nd respondent sent a letter dated 17.03.2010 calling upon the petitioner to produce the latest Community Certificate within a period of fifteen days from the date of receipt of the letter, failing which, her candidature for appointment would be cancelled and the post shall be filled up with the next candidate in the empanelled list. The Revenue Divisional Officer has directed the petitioner to appear for an enquiry and the petitioner also attended the enquiry and submitted the documents to the effect that she belongs to Kattunaicken community and however, the Revenue Divisional Officer, Sivakasi, vide order dated 11.06.2010 has rejected her claim on the ground that she is not residing in Sivakasi. The petitioner filed WP.No.9203/2014 before this Court challenging the said communication of the Revenue Divisional Officer and this Court, vide Judgment dated 10.07.2014, set aside the order and remanded the matter back for fresh enquiry as provided in the Revenue Manual for verification of Community Certificate. Thereafter, the Revenue Divisional Officer, on scrutiny of the records has found that the certificates produced by the petitioner are in order and the Community Certificate issued in her favour is a genuine one. The Assistant Collector, Sivakasi, in turn, sent a communication dated 19.11.2014 to the 2nd respondent stating that all the documents and records have been verified and found to be in order and hence, it is proved that the petitioner belongs to Hindu Kattunaicken Scheduled Tribe Community as per G.O.Ms.No.781, Revenue Department dated 02.05.1988. The grievance expressed by the petitioner is that in spite of the fact that her original Community Certificate issued to her, which is certified to be genuine as per the communication of the Revenue Divisional Officer, Sivakasi as well as the Assistant Collector, Sivakasi, no appointment orders have been issued in her favour by the respondents and hence, she came forward to file this writ petition.

5 Learned counsel for the petitioner would submit that in the light of the above cited communications, there cannot be any impediment on the part of the respondents to offer employment to the petitioner as Peon/Hamal and hence, prays for appropriate orders.

6 Per contra, Mr.Srinath Sridevan, learned Standing Counsel who accepts notice on behalf of the respondents would submit that the provisional selection given to the petitioner was cancelled and necessary communication would be sent to her as expeditiously as possible.

7 This Court, in the light of the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 23.01.2015 on

merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. In the event of any adverse order to be passed by the 2nd respondent, the petitioner is always at liberty to work out her further remedy in accordance with law.

8 The writ petition is disposed of accordingly.
No costs.

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/
SUB-ASSISTANT REGISTRAR

AP

To

1.The General Manager
Union Bank of India
No.139, Broadway,
Chennai 600 108.

2.The Chief Manager
Union Bank of India,
Divisional Officer, No.649-650
I Floor, Oppanakara Veethi
Coimbatore District.

+1 CC to MR. M.Sriram Advocate. SR.NO. 58868
+1 CC to Mr.Srinath Sridevan Advocate. SR.NO.58677

सत्यमेव जयते

W.P.No.34170/2015

CO-KK
JD 16/11/2015

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