

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8080 of 2001

The Indian Overseas Bank,
Rep. by Asst. General Manager,
Industrial Relations Department,
Central Office, 763, Anna Salai,
Chennai. ... Petitioner

-vs-

- 1.The Member & The Presiding Officer,
State Human Rights Commission,
Justice Pratap Singh Maligai,
35, Royapettah High Road, Chennai.
- 2.Scheduled Tribe Employees'
Welfare Association, Southern
Region, Tirunelveli, Rep. by
S.Chandramohan, Secretary.
- 3.The Secretary to Government,
Adi Dravidar and Tribal Welfare
Dept., Fort St. George, Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records relating to the orders of the first respondent made in his proceedings in S.H.R.C. Case No.3490/2000/RRS dated 14.12.2000 and to quash the same as illegal, unsustainable and without jurisdiction in so far which are against the interests of the petitioner.

For Petitioner : Mr.S.Kanniah
For Respondents : M/s.Bhavani Subbarayan, for R-1
: Mr.M.Suresh Kumar for R-2
: Mr.S.T.S.Moorthy, Govt. Pleader
assisted by Mr.V.R.Kamalanathan,
Addl. G.P. for R-3

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner-bank has approached this Court aggrieved by the impugned order passed by the Presiding Officer of the State Human

Rights Commission in S.H.R.C. Case Nos.3735 and 3490/2000/ RRS dated 14.12.2000 to the extent it affects the petitioner-bank qua relief granted to one Thiru.S.Ravi, who was the permanent employee of the petitioner. It may be noted that the order is a composite one relating to a number of cases and arose out of the matter taken up by the Scheduled Tribe Employees' Welfare Association before the Commission.

2.In so far as the facts of the case are concerned, the said S.Ravi joined the services of the petitioner-bank as a clerk on the basis of his category of SC & ST claiming to be Konda Reddy community. The appointment took place with effect from 02.05.1980 and to claim the caste reservation, a certificate issued by the Tahsildar, Tirunelveli, dated 31.08.1978 was relied upon. However, that certificate was cancelled post an enquiry by the District Collector on 06.11.1992.

3.In view of the cancellation of the caste certificate, the petitioner-bank issued a show cause notice dated 02.12.1992 calling for an explanation as to why the services of S.Ravi be not terminated on account of a false community certificate. However, no response was forthcoming from the said S.Ravi. In the meantime, the said S.Ravi assailed the cancellation of community certificate in W.P.No.18777 of 1992, but the writ petition was dismissed on 15.03.2000. It is thereafter on 03.05.2000, his services were terminated in view of the decision in W.P.No.18777 of 1992, which gave its imprimatur to the decision of the District Collector cancelling the caste certificate. The failure of S.Ravi to give any explanation on the show cause notice being issued was also one of the factors which weighed with the authorities of the petitioner-bank.

4.The said S.Ravi assailed the decision of the petitioner-bank by filing a declaratory suit in the Court of District Munsit, Valliyur, claiming that the Collector's report could not be the basis of the decision of the bank and interim orders were passed in his favour. However, on the petitioner-bank preferring a Civil Revision Petition, the interim orders granted by the Munsif Court were suspended on 20.07.2000.

5.The further endeavour of S.Ravi to assail the decision in the writ petition by Writ Appeal No.897/2000 also did not succeed in view of the dismissal order dated 11.09.2000 in the writ appeal.

6.It is after all these that the second respondent-association is stated to have approached the Commission for redressal on behalf of the said S.Ravi and others, which culminated in the impugned order directing the bank to reinstate him with all benefits as per the impugned order dated 14.12.2000.

7.In the present proceedings, the operation of the impugned order was stayed and thereafter made absolute on 28.02.2002.

8.We have heard the learned counsel for parties.

9. In our view, it is not necessary to get into the merits of controversy in view of the scope and jurisdiction to be exercised by the State Human Rights Commission. The subject matter in question relates to the validity of the order of dismissal based on the Collector's decision qua the caste certificate, when the challenge to the decision of the Collector stood repelled by this Court. It is a pure service dispute. The functions of the Commission more specifically as specified in Section 12 forming part of Chapter-III dealing with functions and powers of Commission of the Protection of Human Rights Act, 1993, does not mention such service disputes. In fact, the State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997, specifically provide in Regulation No.9 complaints not ordinarily entertainable and in sub-clause (e), it maintains disputes relating to service matters or labour or industrial disputes. Thus, the State Commission had no jurisdiction whatsoever to proceed with the subject matter in question, a position which is not being disputed by the learned counsel for the first and the second respondent association.

10. The direction thus contained in the impugned order qua Thiru.S.Ravi seeking to reinstate him is, thus, set aside and the complaint made by the association on behalf of S.Ravi against the petitioner-bank stands dismissed.

11. Writ Petition, accordingly, stands allowed, leaving the parties to bear their own costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sra
To

1. The Member & The Presiding Officer,
State Human Rights Commission,
Justice Pratap Singh Maligai,
35, Royapettah High Road, Chennai.

2. The Secretary, Scheduled Tribe Employees'
Welfare Association, Southern
Region, Tirunelveli.

3. The Secretary to Government,
Adi Dravidar and Tribal Welfare
Dept., Fort St. George, Chennai.

+1 cc to Mrs.V.Bhavani Subbarayan, Advocate, sr.45715.

+1 cc to Mr.S.Kanniah, Advocate, sr.45871 (10/9/15)

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ksj(co), kra 4/9