

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-12-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE DR.JUSTICE P.DEVADOSS

WRIT PETITION No.40449 of 2015
and
M.P.No.1 of 2015

Syndicate Bank
Regional Office
105-106, Ponnurangam Road (West)
R.S. Puram, Coimbatore 642 002
Rep. By its Assistant General Manager ... Petitioner

Vs

1. The Chairman
Tamil Nadu State Level Scrutiny
Committee & Secretary to Government
Adi Dravidar & Tribal Welfare
Department
Namakkalkavingnar Maligai
Secretariat, Fort St. George
Chennai 600 009
2. District Collector
Coimbatore, Coimbatore District
3. M.Dharmalingam
4. The Appellate Authority
Deputy Chief Labour Commissioner
(Central), Chennai ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to determine the community status of the third respondent in a time bound manner.

For Petitioner : Mr.V.Karthick
for M/s.T.S.Gopalan and Co.

For Respondents : Mr.P.S.Sivashanmugasundaram
1, 2 & 4 Special Government Pleader

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

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

2.The petitioner is a nationalised bank, and according to the deponent of the affidavit, who is the Assistant General Manager in the petitioner-bank, the third respondent was initially recruited in the cadre of Clerk on 11.1.1979, under the vacancy reserved for Scheduled Tribe, believing the representation of the third respondent that he belongs to Konda Reddy Community, and also based on a Caste Certificate dated 21.1.1977, issued to him by the Tahsildar, Pollachi.

3.It is further averred by the deponent that the said Community Certificate submitted by the third respondent at the time of recruitment, was sent to the Revenue Authorities for enquiry and vide proceedings of the District Collector, Coimbatore, dated 19.5.1998, the Community Certificate issued in favour of the third respondent, was cancelled and it was put to challenge in W.P.No.12544 of 1998 and this Court vide final order dated 22.10.2003, has disposed of the writ petition by permitting the petitioner therein/third respondent herein to file an appeal before the State Level Scrutiny committee within 15 days from the date of receipt of the copy of the order and the first respondent-State Level Scrutiny Committee was in turn, directed to dispose of the appeal on merits, within 60 days thereafter, after giving fair and reasonable opportunity to the writ petitioner/third respondent, and it was also made clear that pending such a final decision, the respondents therein shall not consider the petitioner for any future promotion, which is meant only for Scheduled Tribe candidates.

4.The deponent would further state that pendency of the appeal filed by the third respondent, he has attained the age of superannuation on 30.4.2012, and since the issue regarding the genuineness of his Community Certificate is still pending consideration before the first respondent, the petitioner vide letter dated 22.3.2012, informed the third respondent that his continuance in employment and eligibility to receive various terminal benefits, other than his own contribution to the EPF, and also other benefits are subject to the outcome of the pending caste verification process, and the third respondent has also filed an appeal before the Controlling Authority claiming that he is eligible to get gratuity and the Controlling Authority vide order dated 20.2.2014, directed the petitioner to pay the third respondent, the eligible gratuity amount, with 10% simple interest within 30 days from the date of receipt of the order and

the bank has also deposited a sum of Rs.9,54,658.22 in compliance of the order passed by the Controlling Authority, and however, aggrieved by the order, has preferred an appeal before the fourth respondent and the same is pending consideration.

5.Mr.V.Karthick, learned Counsel appearing for the petitioner, would submit that though the third respondent has preferred an appeal before the first respondent in compliance of the order dated 22.10.2003, made in W.P.No.12544 of 1998, the appeal is yet to be disposed of and taking advantage of the same, the third respondent has completed his tenure of service and also retired on attaining superannuation on 30.4.2012, and in the light of the facts and circumstances, appropriate direction may be issued to the first respondent for early disposal of the appeal preferred by the third respondent pending before it.

6.Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2, and on instructions, would submit that there is no proof to show that the appeal is still pending on the file of the first respondent.

7.However, this Court, taking into consideration the limited scope of prayer sought for by the petitioner, and without going into the merits of the same, directs the first respondent to consider and dispose of the third respondent's appeal, on merits and in accordance with law, after putting on notice, the third respondent and pass orders thereon, as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the third respondent. The amount lying under deposit with the fourth respondent, is directed to be deposited in an interest bearing account in any one of the nationalised banks initially for a period of one year or till the disposal of the appeal. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Chairman
Tamil Nadu State Level Scrutiny
Committee & Secretary to Government
Adi Dravidar & Tribal Welfare
Department
Namakkalkavingnar Maligai
Secretariat, Fort St. George
Chennai 600 009
2. The District Collector
Coimbatore, Coimbatore District
3. The Appellate Authority
Deputy Chief Labour Commissioner
(Central), Chennai.

+1cc to M/s.T.S.Gopalan and Co., Advocate, S.R.No.69438
+1cc to the Government Pleader, S.R.No.69707

W.P.No.40449 of 2015

KSJ(CO)
CA(12/01/2016)



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