

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.40450 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.R.Sundara Rajan
- 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
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 25.4.1977, 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 18.6.1976, issued to him by the Tahsildar, Avinashi.

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 Deputy Revenue Tahsildar, Avinashi, dated 13.9.2001, the Community Certificate issued in favour of the third respondent, was cancelled and it was put to challenge in W.P.No.1980 of 2001 and this Court vide final order dated 9.10.2001, has disposed of the writ petition by directing the petitioner-bank to await the outcome of the appeal preferred by the third respondent before the first respondent, and to take appropriate action against the third respondent depending upon the final orders passed by the first respondent, and further directed the first respondent to dispose of the appeal preferred by the third respondent within six months from the date of receipt of the order.

4.The deponent would further state that pendency of the appeal filed by the third respondent, he has attained the age of superannuation on 29.2.2012, and since the issue regarding the genuineness of his Community Certificate is still pending consideration before the first respondent, the petitioner vide letter dated 30.1.2012, 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.10,59,806/- 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 9.10.2001, made in W.P.No.1980 of 2001, 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 29.2.2012, 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.

-s/d-

Assistant Registrar

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

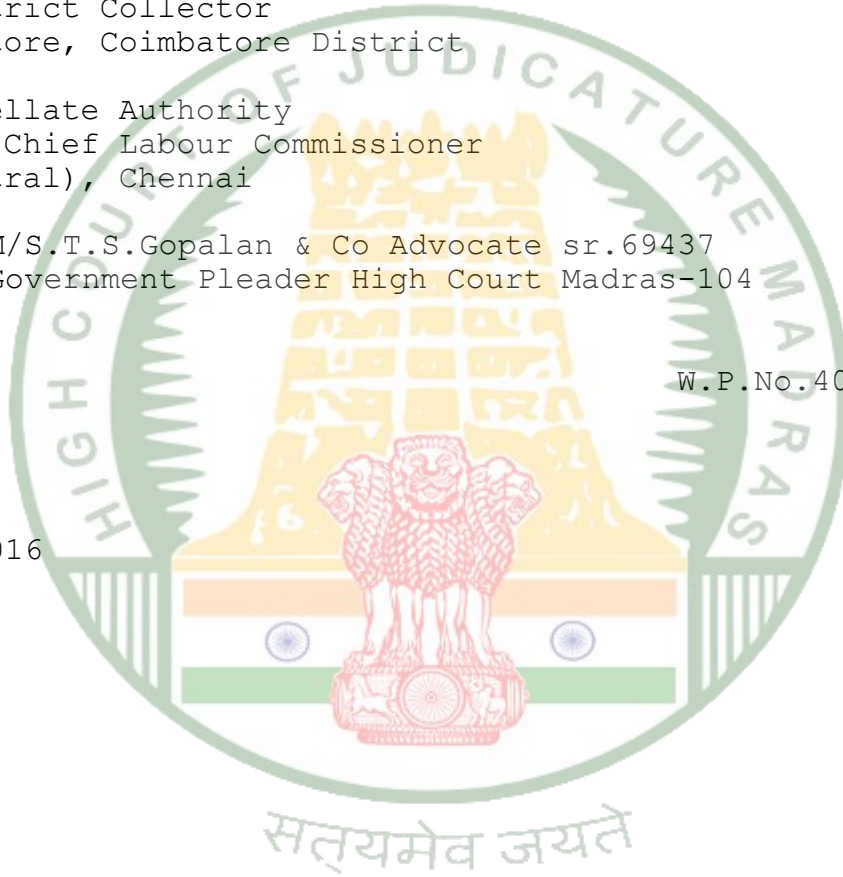
2.The District Collector
Coimbatore, Coimbatore District

3.The Appellate Authority
Deputy Chief Labour Commissioner
(Central), Chennai

+1 cc to M/S.T.S.Gopalan & Co Advocate sr.69437
+1 cc to Government Pleader High Court Madras-104
sr.69708

W.P.No.40450 of 2015

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