

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.11012 of 2016 and W.M.P. No.9577 of 2016

Bank of Baroda
Regional Office (Chennai Metro Region)
10 C.P. Ramaswamy Road, II Floor
Alwarpet, Chennai 600 018
represented by its Assistant General Manager
S. Muthusundaram

Petitioner

Vs.

- 1 The Chairman
Tamil Nadu State Level Scrutiny Committee
& Secretary to Government
Adi Dravidar & Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Fort St. George
Chennai 600 009
- 2 The District Collector
Collectorate
Tiruvarur - 610 001

- 3 Usha Rani R.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to consider the various representations the latest of which being dated 11.02.2016 in No. RO:CMR:HRM:52/425 of the petitioner and determine the community status of the third respondent before her retirement and permit the petitioner to withhold the terminal benefits including pensionary benefits of the third respondent until such time as the community status of the third respondent is determined.

For petitioner Mr. V. Karthick
for M/s. T.S. Gopalan & Co.

For RR 1 & 2 Mr. G. Sai Baba,
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. G. Sai Baba, learned Government Advocate, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to her interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2, this writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the first and second respondents to consider the petitioner bank's various representations, the latest of which being dated 11 February 2016 and determine the community status of the third respondent before her retirement and permit the petitioner bank to withhold the terminal benefits, including pensionary benefits of the third respondent until such time as the community status of the third respondent is determined.

3 The grievance of the petitioner-bank is that noticing the discrepancy in the caste certificate produced by the third respondent-employee, the petitioner-bank had made representations to the official respondents on numerous occasions commencing from 15 April 2014 till 11 February 2016. Despite the clear time frame fixed by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹ qua issuance of community certificates, its repeated representations have fallen only on the deaf ears of the first respondent-committee. Hence, this writ petition seeking the aforestated relief.

4 The learned Government Advocate appearing for respondents 1 and 2 fairly submits that the first respondent Committee will consider and pass orders on the petitioner-bank's representations, on their own merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order, in the light of the decision rendered by a Division Bench of this Court in *G.Venkitasamy and V.Balasubramaniam vs. The Chairman, State Level Scrutiny*

¹ (1996) 4 SCC 241

Committee and Secretary to Government Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Secretariat, Chennai-600 009².

5 In view of the above submission of the learned Government Advocate, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy. Connected W.M.P. is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Chairman
Tamil Nadu State Level Scrutiny Committee
& Secretary to Government
Adi Dravidar & Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Fort St. George
Chennai 600 009

2 The District Collector
Collectorate
Tiruvarur - 610 001

+1 cc to M/s.T.S.Gopalan & Co Advocate sr.18742

सत्यमेव जयते

W.P. No.11012 of 2016

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