

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.P. No.16201 of 2016 and W.M.P. No.13980 of 2016

R. Narayanasamy

Petitioner

vs.

1 The Secretary to Government
Adi Dravidar and Tribal Welfare (CV-III) Department
Government of Tamil Nadu
Secretariat
Chennai 600 009

2 Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai - 9
represented by its Chairman

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records relating to the show cause notice issued in Letter No.3162/CV3/2011-11 dated 05.04.2016 on the file of the first respondent and quash the same.

For petitioner Mr. S. Doraisamy

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

WEB COPY
ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 The facts in brief, as posited by the petitioner are that he belongs to Kattunaicken (ST) community. He obtained such certificate from the Tahsildar, Musiri, on 23 June 1978. On the strength of such certificate, he was temporarily appointed as an unskilled labour (Class IV employee) in February 1987 in Heavy Alloy Penetrator Project. After regularisation, he was promoted as Semi Skilled employee and presently, he is working as Highly Skilled - I employee. While so, he received a notice dated 11 February 2004 to appear for an enquiry before the District Level Vigilance Committee, Tiruchirapalli District on 08 March 2004 qua genuineness of his community certificate. Thereagainst, he filed a writ petition being W.P. No.8219 of 2004 on the ground that the District Level Vigilance Committee was not constituted, as per the guidelines in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹. This Court, vide order dated 06 January 2011, set aside the notice impugned therein and directed the matter to be placed before the State Level Scrutiny Committee for proper enquiry. Pursuant thereto, the State Level Scrutiny Committee called upon the petitioner to appear for an enquiry on 30 December 2011. When things stood thus, an enquiry was conducted by the Vigilance Cell. While so, the first respondent impugned a notice dated 05 April 2016, calling upon the petitioner to show cause as to why the community certificate issued to him should not be cancelled. Challenging the said notice, the instant writ petition is filed.

3 The learned counsel for the petitioners attacks the impugned notice primarily on the ground that the Secretary, Adi Dravidar and Tribal Welfare Department, in his personal capacity, is not competent to issue the impugned show cause notice. The next plank of contention of the learned counsel for the petitioner is that in the event, the report of the Vigilance Cell turns against the petitioner, the petitioner is entitled to a copy of the said adverse report. Thus, impugned notice, without a copy of the Vigilance Cell report, along with all the relevant documents, cannot be responded to. Hence, the impugned notice be quashed and the respondents be directed to issue a fresh notice.

4 Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader appearing for the respondents, submits that all the relevant documents, including the report of Vigilance Cell, shall be furnished to the petitioner within a period of two weeks.

¹ (1994) 6 SCC 241

5 The aforestated submission of the learned Special Government Pleader is recorded.

6 On the question of competence of the first respondent to issue the impugned notice, we are of the considered view that the Secretary to Government, Adi Dravidar and Tribal Welfare Department, being the Chairman of the State Level Scrutiny Committee, is competent to issue a notice on behalf of the said Committee, especially when the said notice has been issued, calling upon the petitioner to appear only before the said Committee and not before the Secretary.

In such view of the matter, nothing survives for adjudication in this writ petition and this writ petition stands disposed of accordingly. Costs made easy. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

cad

To

1 The Secretary to Government
Adi Dravidar and Tribal Welfare (CV-III) Department
Government of Tamil Nadu
Secretariat
Chennai 600 009

2 The Chairman
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai - 9

1 cc to M/s.S.Doraisamy, Advocate, sr.27211
1 cc to Government Pleader, sr.27378

W.P. No.16201 of 2016

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kra 27.05.2016