

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

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

W.P. No.9642 of 2016

National Insurance Company Ltd.,
A Govt. of India Undertaking
Coimbatore Regional Office,
II Floor, Stock Exchange Building,
684, Trichy Road,
Coimbatore - 641 005 rep. by its
Manager - S.Gunasekaran

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 - 9.
- 2.The District Collector,
Salem - 636 001.
- 3.A.Subramanian

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to consider the representation No.650000/Pers/SG/2016 dated 02.03.2016 of the petitioner and determine the community status of the third respondent in time bound manner.

For Petitioner .. Mr.Raghunathan
for M/s.T.S.Gopalan & Co.,

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 & R2

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs.A. Srijayanthi, learned Special Government Pleader,

accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for respondents 1 and 2, this writ petition is taken up for final disposal.

2.It is the case of the petitioner that the third respondent joined the service of the United India Insurance Company as Assistant in the year 1998 and the services of the third respondent was transferred to the petitioner when the United India Insurance Company was taken over by the petitioner - National Insurance Company. The third respondent produced a community certificate issued by the Tahsildar, Attur, dated 17 June 1977, claiming that he belonged to Malayali Community, which is a Scheduled Tribe Community in Tamil Nadu. The community certificate sent for verification was cancelled by the second respondent vide order dated 16 June 1992. Challenging the said order, the third respondent preferred a writ petition being W.P.No.10550 of 1992 and by order dated 14 June 2001, the order impugned therein was set aside and the third respondent was granted liberty to approach the duly constituted committee for verification of community certificate. While so, vide order dated 19 December 2013, the petitioner suspended the services of the third respondent, which was challenged by the third respondent in W.P.No.1165 of 2014 and by order dated 03 February 2014, the learned single Judge cancelled the suspension order. The petitioner, by order dated 27 March 2014, revoked the suspension order and decided to withhold the terminal benefits payable to the third respondent till his community status is decided by the first respondent. The third respondent retired from service on 31 December 2014 and as the terminal benefits of the third respondent are due to be paid, the petitioner, vide letter dated 02 March 2016, requested the first respondent to determine the community status of the third respondent. Since the third respondent also filed a writ petition being W.P.No.5957 of 2016 for payment of full pensionary and other terminal benefits and the same is pending consideration, the petitioner has come up with the instant petition for the aforestated relief.

3.According to the learned counsel for the petitioner, despite the specific time schedule given by the Supreme Court in *Kumari Madhuri Patil and another and Additional Commissioner, Tribal Development and Others*¹ and also a Division Bench of this Court in *G.Venkitasamy and V. Balasubramaniam vs. The Chairman,*

1 (1994) 6 SCC 241

State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9², no action has been taken by the first respondent, till date. Thus, a direction be issued to the first respondent to pass orders on the petitioner's latest representation dated 02 March 2016 on its own merits and in accordance with law, as expeditiously as possible.

4.The learned Special Government Pleader appearing for respondents 1 and 2 fairly submits that after affording an opportunity of hearing to the third respondent-employee, necessary orders will be passed on the petitioner's representation, on its own merits and in accordance with law, in accordance with the guidelines laid down by the Supreme Court as well as this Court, as aforesaid, within a period of six weeks.

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

6.The writ petition stands disposed of with the above observation. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mmi

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 - 9.

2.The District Collector,
Salem 636 001.

+1 cc to M/s.T.S.Gopalan & Co, Advocates, sr.22121

+1 cc to Government Pleader, sr.22785

W.P. No.9642 of 2016

kgk co
kra 26.04.2016