



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Petition (MD) No.8597 of 2016

T.Sukumaran

.. Petitioner

versus

The District Level Committee
Rep. By the District Collector,
Tirunelveli District,
Tirunelveli.

.. Respondent

Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondent to pass orders in the enquiry if any commence regarding the genuineness of the petitioner's Community Certificate based on the orders of this Court in W.P.(MD) No.7122 of 2005 dated 05.09.2007 within a stipulated time that may be specified by this Court, by considering his representation dated 03.03.2016.

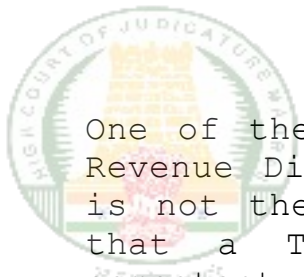
For petitioner : Mr.S.C.Herold Singh

For respondents : Mr.S.Kumar, A.G.P.

ORDER(Order of the Court was made by **S.MANIKUMAR, J.**)

Material on record discloses that **(*)Tahsildar, Nanguneri** has issued community certificate dated 31.05.1977, recognizing the petitioner as a person belonging to Hindu Konnda Reddy community. He had been appointed as a Clerk in Syndicate Bank on **(*) 01.09.1978.**

2.Material on record discloses that the **(*)Tahsildar, Nanguneri**, Tirunelveli District has issued a notice in reference No.A2/11350/99 dated 08.07.2005, calling upon the petitioner to appear for an enquiry and to offer his explanation as to why the community certificate dated 31.05.1977 issued by the Revenue Divisional Officer, should not be cancelled. Being aggrieved by the same, the writ petitioner has filed W.P.(MD) No.7122 of 2005, for a writ of certiorari to quash the notice dated 08.07.2005.



One of the contentions raised in the writ petition was that the Revenue Divisional Officer, Cheranmahadevi, Tirunelveli District, is not the competent authority to hold an enquiry under law and that a Three Member District Vigilance Committee alone is competent to hold such an enquiry. The learned Government Advocate appearing for the Revenue Divisional Officer, Cheranmahadevi, the respondent therein, also conceded to the above said submission.

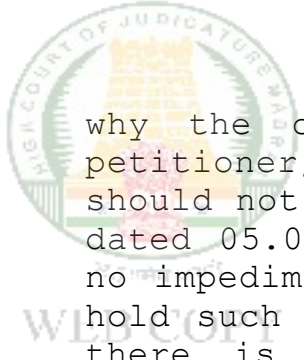
3.Placing on record of the above, vide order dated 05.09.2007 in W.P.(MD) No.7122 of 2005, the Writ Court quashed the notice dated 08.07.2005. While doing so, the Writ Court made it clear that there would be no impediment for the appropriate District Vigilance Committee to hold such enquiry, if there is any necessity for the same.

4.Material on record discloses that the petitioner attained the age of superannuation on 30.11.2015 and retired from the Bank. However, his terminal benefits, contribution to employment Provident Fund, etc. have not been settled. He has made representations to the Bank to release his terminal benefits. There is no response. Inasmuch as the terminal and other benefits have not been sanctioned on presuming that verification of the community status is pending, the petitioner has sought for a writ of mandamus, directing the District Level Committee, Tirunelveli District, the respondent herein, to pass orders in the enquiry, if any commenced after the orders of this Court in W.P. (MD) No.7122 of 2005 dated 05.09.2007, within the stipulated time that may be fixed by this Court, by considering his representation dated 03.03.2016.

5.When the matter came on 28.04.2016, we directed Mr.S.Kumar, the learned Additional Government Pleader to get instructions as to whether any enquiry has been taken up by the competent authority, pursuant to the directions of this Court, issued in W.P.(MD) No.7122 of 2005.

6.Reverting, on instructions, the learned Additional Government Pleader submitted that as per the order of the Government, the State Level Scrutiny Committee is the competent authority to verify the genuineness of the community certificate already issued to Scheduled Tribes. He further submitted that though the writ petition stood disposed of as early as on 05.09.2007, no steps have been taken by the State Level Scrutiny Committee to ascertain the genuineness of a community certificate issued to the writ petitioner. The said submission is placed on record.

<https://hcservices.ecourts.gov.in/hcservices/rest/7.0/WS/ShowInbox> Putting aside the notice dated 08.07.2005 of the Revenue Divisional Officer, Cheranmahadevi, calling upon the petitioner to appear for an enquiry and offer explanation as to



why the community certificate dated 31.05.1977 issued by the petitioner, as the petitioner is Hindu Konnda Reddy Community, should not be cancelled, the Writ Court made it clear in the order dated 05.09.2007 in W.P.(MD) No.7122 of 2005 that there would be no impediment for the appropriate District Vigilance Committee to hold such enquiry, if there is any necessity for the same. When there is an inadvertent error in referring to the District Vigilance Committee, which is not the competent authority to verify the genuineness of the community certificate already issued to those persons certifying them as belonging to Scheduled Tribes, the District Level Committee or the District Collector, Tirunelveli as the case may be ought to have referred this matter to the State Level Scrutiny Committee, if there was any necessity for the same.

8.The Writ Court has passed the order as early as on 05.09.2007. From the submissions of the learned Additional Government Pleader, it is clear that despite an opportunity being granted by the Writ Court to the effect that there was any necessity to hold an enquiry into the genuineness of the community certificate dated 31.05.1977, now, for the past 9 years, no steps have been taken by the District Level Committee or the District Collector, Tirunelveli District as the case may be. The respondent has left the matter to rest at the stage. Fact remains that the writ petitioner had retired from the Bank on 30.11.2015 and that the retirement benefits have not been settled, on the presumption that an enquiry into the verification of community certificate is pending.

9.In the light of the above, as no enquiry is pending, writ of mandamus sought for cannot be issued. Liberty is given to the petitioner to bring it to the notice of the Syndicate Bank/employer of the above for disbursement of the benefits.

10.This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(A.S)

**(*) AMENDED VIDE ORDER DT 19.10.2016
IN WMP(MD)NO.11951/2016 IN
WP(MD)NO.8597/2016**

sd/-

Assistant Registrar (T&P)

/True copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

To be substituted to the order already despatched on 02/06/2016

The District Collector,
The District Level Committee
Tirunelveli District,
Tirunelveli.

+1 c.c.to Mr.S.C.Herold Singh, Advocate in
SR.No.25392

+1 c.c.to the Special Govt.Pleader (SR.No.62291

Arul

JA/NGM/SAR.1/01/06/2016,3P-4C

GJM/CK/SAR-III-21.10.16-4P-4C

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