

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. Nos.21068 and 12846 of 2014

W.P.No.21068 of 2014

V. Asokan

... petitioner

versus

1 Government of Tamilnadu
Rep by its Secretary to Government Adi
Dravidar and Tribal Welfare Department
Secretariat Chennai 9

2 State Level Scrutiny Committee
Rep by its Chairman Adi Dravidar and Tribal
Welfare Department Secretariat Chennai 9

... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the enquiry notice in Letter No.16601/CV-III/2008-16 dated 22.7.2014 on the file of the 1st respondent quash the same.

सत्यमेव जयते

W.P.No.12846 of 2016

V.Asokan

... petitioner

Vs

1 Government of Tamil Nadu
Rep. by its Secretary to Government Adi
Dravidar and Tribal Welfare Department
Secretariat Chennai-600 009

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- 2 State Level Scrutiny Committee
Rep. by its Chairman Adi Dravidar and
Tribal Welfare Department Secretariat
Chennai-600 009
- 3 The Deputy Superintendent of
Police SC/ST Vigilance Cell Trichy Region
2nd Floor Collectorate Trichirappalli-1

.. respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari calling for the records relating to the notice dated 15.03.2016 on the file of the 3rd respondent quash the same.

For petitioner : Mr.S.Doraisamy

For Respondents : Mr.A.Kumar, Spl.G.P.

ORDER

(made by K.K.SASIDHARAN, J.)

The notice issued by the State Level Scrutiny Committee calling upon the petitioner to appear for enquiry on 30 July 2014 is under challenge in the Writ Petition in W.P.No.21068 of 2014. The notice issued by the Deputy Superintendent of Police, SC/ST Vigilance cell, Trichy Region, calling upon the petitioner to appear before him and produce the documents in support of his claim for community status is under challenge in W.P.No.12846 of 2016.

2. The petitioner on the strength of the community status certificate issued by the Tahsildar, Thuraiyur, joined the Central Excise and Customs Department as Inspector.

3. The Community Certificate produced by the petitioner was referred to the Revenue Divisional Officer, Musuri for enquiry. The District Collector, Trichy, on the strength of the report submitted by the Revenue Divisional Officer, Musiri, informed the Department of Central Excise and Customs that the petitioner did not belong to Konda Reddy Community. The said order was challenged in W.P.No.19522 of 1997. The order was quashed by the High Court by order dated 16 March 2004. The High Court directed the State Level Scrutiny Committee to conduct verification of the community status claimed by the petitioner.

4. The notice issued by the State Level Scrutiny Committee

is challenged primarily on the ground that there was no reference to any kind of enquiry conducted by the Vigilance Cell constituted by the Government pursuant to the judgment in Kumari Madhuri Patil vs. Additional Commissioner, Tribal Development and others, 1994(6) SCC 241. Subsequent to the notice, challenged in W.P.No.21068 of 2014, Deputy Superintendent of Police, Vigilance Cell, Trichy, issued notice to the petitioner on 15 March 2016 calling upon him to produce documents to prove his community status. The said notice is challenged primarily on the ground that when the State Level Scrutiny Committee has not referred the matter to the Vigilance Cell, it was not proper on the part of the Deputy Superintendent of Police to initiate enquiry suo motu.

5. We have heard the learned counsel for the petitioner. We have also heard the learned Government Pleader on behalf of the respondents.

6. There is a dispute with regard to the community status claimed by the petitioner. The State Level Scrutiny Committee is now seized of the matter. The notice issued by the State Level Scrutiny Committee is challenged only on the ground that the matter was not referred to the Vigilance Committee. Similarly, the notice issued by the Deputy Superintendent of Police is also under challenge on the ground that he was not authorized to conduct enquiry, without a specific reference.

7. The community status claimed by the petitioner should be decided at the earliest. In case the petitioner does not belong to Konda Reddy community, he has no right to continue in the employment. We are therefore of the view that the issue requires early resolution by the State Level Scrutiny Committee.

8. We direct the State Level Scrutiny Committee to refer the matter to the Vigilance Cell to conduct the enquiry before taking up the matter on merits. The petitioner is directed to appear before the Vigilance cell and thereafter before the State Level Scrutiny Committee on receipt of notice along with the report and supporting materials. In case there is any attempt on the part of the petitioner to delay the process of enquiry, it is open to the State Level Scrutiny Committee to consider the matter on merits and as per law in the light of the available materials. However, it is made clear that while deciding the community status of the petitioner, the procedure indicated by the Hon'ble Supreme Court in Kumari Madhuri Patil shall be scrupulously followed. The process of deciding the community status of the petitioner shall be completed as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

9. The Writ Petitions are disposed of with the above direction. No costs. Consequently, M.P.No.1 of 2014 and W.M.P.No.11237 of 2016 are closed.

s/d-
Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

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- 1 The Secretary to Government
Adi Dravidar & Tribal Welfare Department
Secretariat Chennai-600 009
- 2 The Chairman,
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai-600 009
- 3 The Deputy Superintendent of
Police SC/ST Vigilance Cell Trichy Region
2nd Floor Collectorate Trichirappalli-1

+1cc to Mr.S.DoraiSamy, Advocate SR.No.15565

W.P. Nos.21068 and 12846 of 2014

NM(CO)
GN(07/04/2017)

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