

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. No.34581 OF 2014

G.Balan

... Petitioner

Versus

1. The General Manager
Syndicate Bank
HR Department Head Office
Manipal 576 104
2. The Regional Manager
Personnel Department
Syndicate Bank Regional Office
Coimbatore
3. The Asst. General Manager
Personnel Cell Syndicate Bank
Regional Office Coimbatore
4. The State Level Scrutinizing Committee
rep. by Secretary Cum Chairman
Adi Dravida and Tribal Welfare Department
Chennai-9

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in connection with the impugned order passed by him in Ref. No.390/6132/PKD/PC/2014 dated 19.6.2014 and quash the same and further direct the respondents to settle the retirement benefits of the petitioner due to him on his superannuation from service dated 30.8.2014 within a reasonable time and grant such other further relief as this Honourable court may deem fit arising out in the circumstances of the case.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Anand,
for M/s.T.S.Gopalan & Co.
for respondents 1 to 3
Mr.K.Dhananjayan,
Special Government Pleader
for 4th respondent

O R D E R
(made by K.K.SASIDHARAN, J.)

The notice sent by the State Level Scrutiny Committee calling upon the petitioner to appear for enquiry to decide his community status is challenged in this Writ Petition on the ground that pendency of the proceedings cannot be a reason to withhold his terminal benefits.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for respondents 1 to 3 and the learned Government Pleader on behalf of the fourth respondent.

3. The petitioner, on the strength of the community certificate describing him as Schedule Tribe, secured employment in Syndicate Bank. The Community Certificate produced by the petitioner was subsequently cancelled by the District Vigilance Committee. The order was challenged before the High Court in W.P.No.8118 of 2000. The High Court set aside the said order. The order terminating the petitioner from service was also set aside in a connected Writ Petition in W.P.No.23268 of 2001. The Bank unsuccessfully challenged the order in W.P.No.23268 of 2001 before the Division Bench in W.A.No.1601 of 2003. Thereafter, the petitioner was reinstated into service.

4. The petitioner was due for superannuation on 30 August 2014. It was only at that point of time, the State Level Scrutiny Committee initiated the process for verification of his community status. The Bank failed to pay the retirement benefits under the pretext of pendency of the verification proceedings before the State Level Scrutiny Committee. This made the petitioner to file the present Writ Petition.

5. There is no dispute that the caste status claimed by the petitioner is still under consideration before the State Level Scrutiny Committee. The proceedings in the subject matter commenced in 2000, consequent to the order passed by the District Vigilance Committee. Even today, the issue is pending, without any progress. It is true that the petitioner is entitled to retirement benefits. However, the fact remains that the petitioner also contributed for the delay in the matter of disposal of the scrutiny proceedings. We are therefore of the view that appropriate direction should be issued to the State Level Scrutiny Committee to conclude the proceedings.

6. The State Level Scrutiny Committee, the fourth respondent herein is directed to conclude the scrutiny proceedings 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. The petitioner is directed to appear before the committee and cooperate for an early disposal of the matter. In case the

petitioner failed to appear in spite of giving reasonable time, it is open to the fourth respondent to take a decision on the basis of available materials. The payment of disbursement benefits to the petitioner, should await the orders to be passed by the State Level Scrutiny Committee.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, M.P.No.2 of 2014 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

tar

To

1. The General Manager
Syndicate Bank
HR Department Head Office
Manipal 576 104
2. The Regional Manager
Personnel Department
Syndicate Bank Regional Office
Coimbatore
3. The Asst. General Manager
Personnel Cell Syndicate Bank
Regional Office Coimbatore
4. The State Level Scrutinizing Committee
rep. by Secretary Cum Chairman
Adi Dravida and Tribal Welfare Department
Chennai-9

+1cc to the Government Pleader, S.R.No.15687

W.P. No.34581 OF 2014

NR(CO)
CA(12/04/2017)