

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.34652 of 2014

K.Karunambal petitioner

versus

- 1 The Chief General Manager
State Bank of India Local Head Office
Chennai.
- 2 The Deputy General Manager
(B & O) State Bank of India HR Section
Kurinji Complex State Bank Road PB No.
3897 Coimbatore-641 018.
- 3 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 2nd respondent in connection with the impugned orders passed in Ref. No. HR/Funds/13 dated 02.04.2013 and HR: 3006 dated 24.09.2013 and quash the same and further direct the respondents to settle the retirement benefits of the petitioner.

For petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Dhananjayan,
Spl.G.P. For R-3

Mr.P.D. Audikesavalu*

for respondents 1 and 2

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

This Writ Petition is directed against the order dated 2 April 2013 and 24 September 2013 rejecting the request made by the petitioner for disbursement of retirement benefits on account of the pendency of the proceedings relating to the community status claimed by her.

2. Heard the learned counsel for the petitioner, the learned Standing Counsel for the State Bank of India and the learned Government Pleader on behalf of the State Level Scrutiny Committee.

3. The petitioner was appointed as a clerk in the State Bank of India against the vacancy earmarked for Schedule Tribes. The petitioner claimed that she belongs to Konda Reddy community and on the strength of the certificate produced by her, appointment was made.

4. The Community certificate of the petitioner dated 30 May 1975 was later cancelled by the District Collector, Salem, by order dated 3 October 1996.

5. The order cancelling the community certificate was challenged in W.P.No.17665 of 1996. The High Court by order dated 31 July 2003 directed the State Level Scrutiny Committee to decide the question of community status raised by the petitioner. The matter was taken up in appeal before the Division Bench in W.A.No.3645 of 2003. The Division Bench by judgment dated 27 July 2005, directed the District Level Scrutiny Committee to consider the matter instead of State Level Scrutiny Committee. Though a request was made by the Bank on multiple occasions to decide the matter, there was no progress. In the meantime, the petitioner attained superannuation. Since the issue regarding the community status claimed by the petitioner is yet to be decided by the State Level Scrutiny Committee, the Bank refused to disburse the benefits. The petitioner therefore filed Writ Petition challenging the order passed by the Bank declining to grant him the benefits.

6. The community certificate of the petitioner was initially cancelled by order dated 3 October 1996. It is true that the Division Bench by judgment dated 27 July 2005 directed the District Level Committee to consider the matter. Even though such a direction was issued at that point of time, the fact remains that the State Level Scrutiny Committee alone is competent to decide the community status of Schedule Tribe candidates.

7. The petitioner was solely responsible for the delay in completing the verification process. There is no question of disbursement of benefits in view of the action taken by the petitioner to prolong the matter under one pretext or the other. The community status claimed by the petitioner is yet to be decided by State Level Scrutiny Committee. We are therefore of the view that the Bank was correct in declining to disburse the retirement benefits.

8. The third respondent is directed to conclude the verification process 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 cooperate with the State Level Scrutiny Committee for an early resolution of the matter. In case the petitioner failed to appear before the committee, it is open to the third respondent to decide the matter on the basis of available materials. The question of disbursement of retirement benefits should await the decision to be taken by the State Level Scrutiny Committee with regard to the community status of the petitioner.

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

-s/d-

Assistant Registrar
dt. 11.4.2017

Corrected as per letter dated
12.4.2017 and made herein

Sd/-

Assistant Registrar
dt.25.4.2017

True Copy

tar

Sub-Assistant Registrar

WEB COPY

To

- 1 The Chief General Manager
State Bank of India Local Head Office
Chennai.
- 2 The Deputy General Manager
(B & O) State Bank of India HR Section
Kurinji Complex State Bank Road PB No.
3897 Coimbatore-641 018.
- 3 The Secretary cum Chairman
State Level Scrutinizing Committee
Adi Dravida and Tribal Welfare Department
Chennai-9.

To be substituted
to the order
already
despatched on
09/04/2017

- +1 CC to Mr.M.Muthappan, Advocate Sr.No.15899
- +1 CC to Mr.P.D.Aadikesavalu, Advocate Sr.No.15508
- +1 CC to Government Pleader, High Court, Chennai Sr.No.15685

W.P. No.34652 of 2014

NR(CO)
KP(12/04/2017)
EU 25.4.17

सत्यमेव जयते

WEB COPY