

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2017

CORAM:

THE HON'BLE MR. JUSTICE NOOTY. RAMAMOHANA RAO
AND

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.18047 of 2016

and

W.M.P.No.15832 of 2016

Mrs.B.Padmavathy

... Petitioner

... Vs ...

1.Chennai Port Trust,
rep. by its Secretary,
Chennai - 600001.

2.The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

3.The Government of Tamil Nadu,
rep.by its Secretary,
Adi Dravidar Welfare,
Hill Tribes and Bonded Labour Department,
Fort St.George, Chennai - 09.

4.Tamil Nadu State Level Scrutiny Committee,
rep.by its Chairman and Secretary to Government,
Adi Dravidar Welfare,
Hill Tribes and Bonded Labour Department,
Fort St.George, Chennai - 600 009.

..Respondents

(Respondents 3 and 4 are impleaded as
per Order dated 30.11.2016 by HGRJ
and VPNJ in WMP No.36032 of 2016 in
W.P.No.18047 of 2016)

Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Certiorari calling for
the records of the respondents, ends with the impugned
proceedings of the 2nd respondent in No.A2/385/15/T dated
16.3.2016 and No.A2/385/2015/T dated 25.4.2016 and quash the
same.

For Appellant : Mr. Kandhanduraisami
For Respondents 1 & 2 : Mr.M.Palanimuthu
For Respondents 3 & 4 : Mr.R.Prathap Kumar AGP

O R D E R

(Order of the Court was made by NOOTY. RAMAMOHANA RAO, J)

This Writ Petition, which is instituted by an employee of the Chennai Port Trust seeking to call in question the validity of the Proceedings dated 16th March, 2016 and the Communication dated 25.4.2016, can be disposed of, without going into the merits or the lack of it behind the claim.

2. On 16th March, 2016, the Traffic Manager (Stat.) of the Chennai Port Trust, has addressed the writ petitioner to produce 'original Scheduled Tribe Community Certificate' containing her father's name instead of submitting a copy of the 'original Scheduled Tribe Community Certificate' containing her husband's name. Once again, on 25th April, 2016, the writ petitioner was reminded to submit the 'original Scheduled Tribe Community Certificate' on or before 28th April, 2016, failing which, disciplinary action is threatened to be initiated against the writ petitioner.

3. When a person makes a claim with regard to one's social status as belonging to Scheduled Castes or Scheduled Tribes, such claims are now required to be verified for their genuineness pursuant to the directions issued by the Hon'ble Supreme Court in the case of Kumari Madhuri Patil and another Versus Additional Commissioner, Tribal Development and others reported in (1994) 6 Supreme Court Cases 241 and Dayaram vs. Sudhir Batham and others reported in (2012) 1 Supreme Court Cases 333. Getting these claims verified will serve the purpose of weeding out bogus and non-genuine claims. The reasons are very obvious to verify the genuineness of the community certificate. Because, the benefits which are meant for advancing the cause of socially disadvantaged communities organised as Scheduled Castes and Scheduled Tribes, should be allowed to percolate to them and they shall not be allowed to be hijacked by those who do not belong to the said community. Therefore, the State Government has constituted a committee known as State Level Scrutiny Committee comprising of the Secretary to the Government, an Anthropologist and the Director of Tribal Welfare who acts as its Member Secretary.

4. We are now informed that the Principal Secretary to the Government issued communication dated 3.8.2016 calling for discreet enquiries to be conducted with regard to the genuineness of 'Hindu - Konda Reddy' claim made by the writ petitioner and make available the report. Subsequent development to this communication of the Secretary to the

Government in Adi Dravida in Tribal Welfare Department, is not known.

5. In these set of circumstances, it is only appropriate that we should direct the Secretary to the Government, Adi Dravidar Welfare, Hill Tribes and Bonded Labour Department, who is the Chairman of the State Level Scrutiny Committee as well, to get the claim of the writ petitioner as a member belonging to Scheduled Tribes verified as expeditiously as possible, preferably, within 3 months from the date of receipt of a copy of this order. It is needless for us to clarify that if the writ petitioner produces any such material which is in favour of her claim, the same will receive appropriate consideration, and equally, if there is any material gathered adverse to her interest in the discreet enquiries/vigilance enquiries, a copy of such material may be made available to the writ petitioner or in the alternative, she may be permitted to peruse the same during the office working hours on any working day and make notes there from, at least one week prior to the scheduled date of hearing so that appropriate defence, if any can be offered thereto. We also clarify that reasons may be assigned either for accepting or for rejecting the material produced by the writ petitioner or against her. We hope and trust that all steps and energy will be directed to accomplish this task as early as possible by providing the writ petitioner a fair and reasonable opportunity of hearing also.

6. This Writ Petition stands disposed of. No costs.
Connected Miscellaneous Petition stands closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary

The Government of Tamil Nadu,
Adi Dravidar Welfare,
Hill Tribes and Bonded Labour Department,
Fort St. George, Chennai - 09.

2. The Chairman and Secretary to Government
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar Welfare,
Hill Tribes and Bonded Labour Department,
Fort St. George, Chennai - 600 009.

3.The Secretary, Chennai Fort Trust Chennai-1

4.The Traffic Manager Chennai Fort Trust
Chennai-1

+1 cc to Mr.Muthumani Doraisamy Advocte sr 7089

+1 cc to Mr.M.Palanimuthu Advocate sr 7547

+1 cc to Government Pleader sr 7449

W.P.No.18047 of 2016

and

W.M.P.No.15832 of 2016

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