

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.11.2017
CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.16173 of 2017
and

W.M.P.Nos.17471 and 17472 of 2017

R.Usha Rani
W/o.Rikesh Varman

.. Petitioner

- Vs -

1.The Tamilnadu State Level
Scrutiny Committee,
represented by its Chairman,
Adi Dravidar and Tribal Welfare
Department,
Namakkal Kavignar Maligai,
3rd Floor, Secretariat,
Chennai - 600 009.

2.The Bank of Baroda,
represented by its
Deputy General Manager,
Chennai Metro Region (CMR),
No.10, C.P.Ramasamy Road,
Alwarpet, Chennai - 600 018. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records of first respondent in Na.Ka.No.20802/CVIII/2015 dated 22.05.2017 and quash the same and consequently, direct the second respondent to disburse the pension, gratuity, provident fund contribution, earned leave encashment and all other admissible benefits to the petitioner along with interest.

For Petitioner :Mr.V.Vijay Shankar
For Respondents:Mr.S.N.Parthasarathy
Government Advocate [R1]
Mr.G.Madhri [R2]

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus calling for records of first respondent in Na.Ka.No.20802/CVIII/2015 dated 22.05.2017 and quash the same and consequently, direct the second respondent to disburse the pension, gratuity, provident fund contribution, earned leave encashment and all other admissible benefits to the petitioner along with interest.

2. Heard learned counsel for petitioner, learned Government Advocate for first respondent and learned counsel for second respondent.

3. Learned counsel for petitioner submitted that the claim of petitioner belonging to Kattunayaken community is supported by certificates issued to as many as six other family members. Despite the same, the impugned order cancelling the Scheduled Tribes Hindu 'Kattunayakkan' form of caste certificate issued to the petitioner has been passed.

4. Learned Government Advocate refers to the counter of first respondent and brings to notice that petitioner was called to appear before the State Level Scrutiny Committee on 28.07.2016 and offer her remarks in support of the claim through Government Letter No.20802/CV III/2015 dated 15.07.2016. However, she has not done so. Thus, it is seen that the impugned order has been passed without hearing the petitioner.

In the circumstances, this Court allows this Writ Petition. The proceedings of first respondent in Na.Ka.No.20802/CVIII/2015 dated 22.05.2017 is quashed and the matter is remitted back to first respondent for fresh consideration. First respondent is directed to provide all relevant documents to petitioner, afford a fresh opportunity to petitioner to appear before it and offer her explanation in support of her claim. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm
To
The Chairman,
The Tamilnadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
3rd Floor, Secretariat,
Chennai - 600 009.

+1cc to Government Pleader SR.No.82443
+1cc to Mr.V.Vijay Shankar, Advocate SR.No.82173

W.P.No.16173 of 2017

GMR(CO)
sm:18.12.2017