

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE G.JAYACHANDRAN

W.P.No.16533 of 2017
and
W.M.P.Nos.17889 and 17890 of 2017

P.Ramalingam Petitioner

-vs-

1. The Chairman cum Managing Director, BSNL,
Bharat Sanchar Bhawan,
Mathur Lane, Janpath,
New Delhi-110 001.
 2. The Chief General Manager, BSNL,
Tamil Nadu Telecom Circle, Chennai.
 3. The General Manager, BSNL,
No.1, West Street,
Sreerangapalayam, Salem.
 4. The Superintending Engineer,
BSNL, Thiruchengode-637 211.
 5. The Registrar,
Central Administrative Tribunal,
Chennai.
- .. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 21.02.2017 passed by the fifth respondent in O.A.No.1606 of 2016 and quash the same and consequently direct the respondents to provide Pension Pass Book and to pay regular pension, gratuity and other financial dues to the petitioner.

For Petitioner :: Mr.K.C.Karl Marx
:: Mr.V.Jayaprakash Narayanan
Special Government Pleader for
State Level Serutiny Committee

ORDER

(Order of the Court was made by
HULUVADI G.RAMESH, J.)

The petitioner, who belongs to Scheduled Tribe community, joined the services of BSNL Telecommunication as a Mazdoor on 13.04.1975 and his services were regularised with effect from 25.03.1978. On completion of 16 years of service, he was provided with OTBP promotion and on completion of 26 years of service, he was provided with BCR promotion. In the year 2001, the District Vigilance Committee has requested for verification of the Community Certificate of the petitioner, which was after 25 years of service. Thereafter, the community certificate of the petitioner was verified and it was rejected. Challenging the same, the petitioner filed a writ petition in W.P.No.16732 of 2001 which was disposed of on 21.11.2001 with a direction to file an appeal before the State Level Scrutiny Committee and a further direction to dispose of the appeal within 6 months from the date of filing of appeal and not to terminate the petitioner till the disposal of the appeal. Aggrieved by the same, the petitioner filed an appeal in W.A.No.3002 of 2001 and an order of interim stay was granted by this Court on 20.12.2001. Thereafter, the said writ appeal was disposed of with a direction to the District Level Scrutiny Committee to transfer the records to the State Level Scrutiny Committee, who shall verify the community status and pass orders within 4 months from the date of receipt of the order. But till date, no order has been passed by the State Level Scrutiny Committee. The petitioner attained the age of superannuation on 30.06.2015, but he was allowed to retire only provisionally. Till now, he has been provided only with provisional pension and not regular pension. He has also not been issued with pension book, nor paid the financial dues, because of the pendency of the verification of the community certificate before the State Level Scrutiny Committee. The petitioner sent many representations to the authorities in this connection. The petitioner also filed an application in O.A.No.1606 of 2016 before the Central Administrative Tribunal and the Tribunal, by order dated 21.02.2017 disposed of the application giving liberty to the petitioner to approach the State Level Committee and to get an order in pursuance of the order passed by this Court, and report it to the respondents for pursuing the matter further. A further direction was given to the authorities to pay the arrears if any to the petitioner, if the decision ended in favour of the petitioner. Challenging the said order, the petitioner is before this Court with this writ petition.

2.Heard Mr.K.C.Karl Marx, the learned counsel for the petitioner as well as Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, who appeared on behalf of the State Level Scrutiny Committee, as per the order passed by this Court in this writ petition on 30.06.2017.

3.It is seen that on a complaint given by a third party disputing the community certificate of the petitioner wherein it is mentioned that the petitioner belongs to Scheduled Caste community, the matter was referred to the District Level Scrutiny Committee and thereafter, it was referred to the State Level Scrutiny Committee. The petitioner retired on 30.06.2015 on attaining the age of superannuation. It appears that no steps have been taken by the State Level Scrutiny Committee to verify the community status of the petitioner and as to the genuinity of the community certificate granted in favour of the petitioner. Because of the same, the petitioner is unable to get his regular pension, gratuity and other financial dues. Unless and until the said certificate is verified and a decision is taken by the State Level Scrutiny Committee, it would be more prejudicial to the petitioner as well as the Exchequer.

4.In the above stated circumstance, we hereby direct the Chairman / Secretary to the Government, Adi-Dravidar Welfare Department, State Level Scrutiny Committee, Secretariat, Chennai-600009, to scrutinise the community certificate of the petitioner in accordance with law and a report to that effect shall be placed before the concerned authority, within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

सत्यमेव जयते
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

KM
To

1. The Chairman / Secretary to Government,
Adi-Dravidar Welfare Department,
State Level Scrutiny Committee,
II Floor, Namakkal Kavignar Maligai,
Secretariat, Chennai-600 009.

2. The Chairman cum Managing Director, BSNL,
Bharat Sanchar Bhawan,
Mathur Lane, Janpath,
New Delhi-110 001.

3. The Chief General Manager, BSNL,
Tamil Nadu Telecom Circle, Chennai.

4. The General Manager, BSNL,
No.1, West Street,
Sreerangapalayam, Salem.

5. The Superintending Engineer,
BSNL, Thiruchengode-637 211.

6. The Registrar,
Central Administrative Tribunal,
Chennai.

+1cc to Mr.K.C.Karl Marx, Advocate Sr. 51103

+1cc to the Government Pleader Sr. 51334

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SCD(CO)
VR(09/08/2017)



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