

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.27434 of 2017

1.The Board of Trustees of
Chennai Port Trust represented
by its Chairman,
Rajaji Salai,
Chennai.

2.The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai.

... Petitioners

vs.

1.The State Level Scrutiny Committee/
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai 600 009.

2.V.Muthusamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the first respondent/State Level Scrutiny Committee herein, to complete the enquiry within the time stipulated by this Court with regard to the status of the second respondent herein based upon the representations of the petitioner dated 20.07.2015, 05.01.2016, 11.08.2016 and 09.02.2017.

For Petitioners : Mr.R.Karthikeyan

For 1st Respondent : Mr.S.N.Parthasarathy
(Govt. Advocate)

O R D E R
(Order of the Court was made by C.T.SELVAM,J.)

This petition has been filed to direct the first respondent/State Level Scrutiny Committee herein, to complete the enquiry within the time stipulated by this Court with regard to the status of the second respondent herein based upon the representations of the petitioner dated 20.07.2015, 05.01.2016, 11.08.2016 and 09.02.2017.

2.The brief facts of the petitioner is as follows:

Second respondent secured appointment in Chennai Port Trust, on the strength of the Community Certificate issued to him indicating that he belongs to Hindu Palliyan Community, which is notified as a Schedule Tribe. One M.Murugesan, who claimed to be brother-in-law of second respondent sent a letter dated 09.04.2000 to the authorities stating that the father of the second respondent belonged to Vanniyar Community, but his family members obtained bogus certificates and joined jobs in various undertakings. Petitioners addressed a letter to the District Collector, Salem, who in turn, directed the Revenue Divisional Officer, Attur to conduct an enquiry who under letter dated 08.06.2000 directed second respondent to appear for enquiry. Thereafter, inspite of repeated reminders to the Revenue Divisional Officer, Attur, there was no further development. In such circumstances, District Collector, Salem sent a letter dated 19.06.2002 to second respondent directing him to appear before the District Vigilance Committee on 24.06.2002. The District Vigilance Committee by its order dated 22.02.2008 cancelled the Community Certificate issued to second respondent. Hence, second respondent filed W.P.No.12704 of 2008 before this Court and the same was allowed on 21.04.2010 with a direction to first respondent herein, State Level Scrutiny Committee/ Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department. Even though, petitioners sent several letters to first respondent to complete the proceedings and pass final orders, till date no action has been taken by them.

3. It is the grievance of the petitioners that notwithstanding the direction given by this Court earlier, follow up action was not taken by the State Level Scrutiny Committee, for disposal of the proceedings regarding the community status of the second respondent. Petitioners are, therefore, before this Court.

4. We have heard the learned counsel for the petitioners. We have also heard the learned Government Advocate on behalf of the first respondent. Since the earlier proceedings were initiated by the second respondent and the matter is now pending before the State Level Scrutiny Committee, we dispense with the

notice to the second respondent.

5. The documents available on record clearly indicate that direction was given by this Court in W.P.No.12704 of 2008 to the State Level Scrutiny Committee to dispose of the proceedings. Even today, the proceedings are pending before the State Level Scrutiny Committee.

6. We direct the first respondent to conclude the proceedings initiated with respect to the Community claim made by the second respondent as expeditiously as possible and in any case, within a period of four weeks from the date of receipt of a copy of this order. It is needless to point out that reasonable opportunity should be given to the second respondent also before final orders are passed by the first respondent.

The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

cla

To:

1.The Chairman,
Board of Trustees of
Chennai Port Trust,
Rajaji Salai,
Chennai.

2.The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai.

3.The State Level Scrutiny Committee/
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai 600 009.

+1cc to Mr.R.KARTHIKEYAN Advocate, S.R.No. 76160

Order in
W.P.No.27434 of 2017

TR(03/01/2018)