

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.No.27435 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.D.Veeraraghavan

... 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 03.08.2016, 14.12.2016 and 08.02.2017.

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 petitioners dated 03.08.2016, 14.12.2016 and 08.02.2017.

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 Kurumans Community, which is notified as a Schedule Tribe. On complaint, the Community certificate of second respondent was sent to the Revenue Divisional Officer, Ranipet on 31.03.1989 for verification. The Revenue Divisional Officer on verification by his order dated 31.03.1989 cancelled the Community certificate dated 12.05.1987 stating that second respondent does not belong to Schedule Tribe Hindu Kurumans Community. Challenging the same, second respondent filed W.P.No.11301 of 1989. This Court by order dated 25.08.1999 set aside the order dated 31.03.1989 and directed the Revenue Divisional Officer, Ranipet to conduct fresh enquiry. The Revenue Divisional Officer, after conducting fresh enquiry, cancelled the Community certificate of second respondent finding the same not genuine. Petitioners terminated the service of second respondent by order dated 07.07.2000. Hence, second respondent filed W.P.No.12258 of 2000. This Court by order dated 27.07.2005 set aside the order of cancellation of Community Certificate of Revenue Divisional Officer and stated that the issue can be decided by the Committee constituted as per G.O.Ms.111, Adi Dravidar and Tribal Welfare (ADW-10) dated 06.07.2005. Hence, Community certificate was sent to the District Collector, Vellore and the Three Member Committee in and by its order dated 12.01.2006 cancelled the Community certificate of second respondent. Petitioners again dismissed second respondent from service by order dated 21.02.2006. Aggrieved, second respondent filed W.P.No.10280 of 2006. This Court allowed the said writ petition on 21.04.2010 by referring the community certificate to the State Level Scrutiny Committee, the first respondent herein and directed them to hold an enquiry after giving opportunity to second respondent herein and pass orders as expeditiously as possible. Petitioners by their letters dated 03.05.2014, 13.06.2014, 06.09.2014 and 15.12.2014 requested the first respondent to conduct verification expeditiously. The first respondent by letter dated 31.12.2014 directed the District Collect, Vellore to send the records of second respondent to them. Thereafter, first respondent

directed the Deputy Superintendent of Police, SC/ST Vigilance Cell to conduct an enquiry and forward the same to first respondent. Again, petitioners requested first respondent to verify community certificate of second respondent as he was due for retirement on 28.02.2017, but till date no order has been passed 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.10280 of 2006 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)

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Sub Assistant Registrar

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To:

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

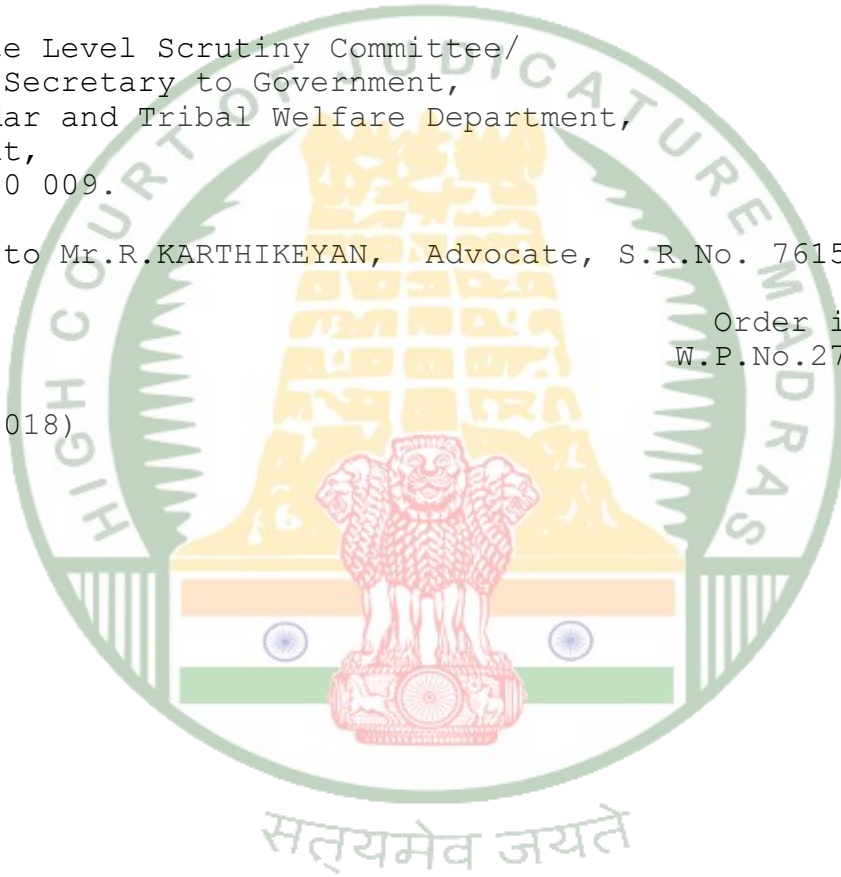
2.The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai.

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. 76158

Order in
W.P.No.27435 of 2017

TR(03/01/2018)



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