

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.27436 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.Saikumari

... 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 05.12.2016 and 18.02.2017.

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 05.12.2016 and 18.02.2017.

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

(i)Second respondent secured appointment in Chennai Port Trust, on the strength of the Community Certificate issued to him indicating that she belongs to Konda Reddy Community, which is notified as a Schedule Tribe. On complaint, the said Community certificate was cancelled by the then Collector, Anna District, Kancheepuram. Pursuant to the same, a show cause notice was issued to second respondent for termination of her services. Hence, second respondent filed Writ Petition No.7326 of 1997 and the same was allowed by this Court on 05.09.2003 transferring the said Community certificate to the State Level Scrutiny Committee, the first respondent herein directing them to complete the enquiry within a period of six months. Thereafter, first respondent, referred the matter to the District Level Committee, Kancheepuram. The District Level Committee, Kancheepuram, in and by its order dated 29.09.2006 cancelled the community certificate of second respondent. Challenging the same, petitioner filed W.P.No.48573 of 2006. This Court by order dated 14.12.2006 allowed the said writ petition by setting aside the order of the Committee with a direction to refer the matter to a Three Member Committee constituted as per the order of the Supreme Court in the case of Madhuri Patil.

(ii)In the meanwhile, second respondent filed an appeal before the State Level Scrutiny Committee, the first respondent herein and the said appeal was dismissed. Aggrieved by the same, second respondent filed W.P.No.4716 of 2008. This Court by order dated allowed the said writ petition on 03.11.2014 directing the petitioners herein to forward the case of second respondent before the State Level Scrutiny Committee and further directed them to pass final order within a period of twelve weeks. Thereafter, first respondent, by letter dated 10.11.2016 informed the Director, Tribal Welfare to conduct an enquiry. Thereafter, petitioner by their letters dated 05.12.2016 and 18.02.2017 requested first respondent to complete the enquiry, 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 notice to the second respondent.

5. The documents available on record clearly indicate that direction was given by this Court in W.P.No.4716 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.

Order in
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TR(03/01/2018)



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