

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM

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

W.P.No.2827 of 2017
and
W.M.P.No.2760 of 2017

- 1.The Executive Engineer,
Bharat Sanchar Nigam Limited (Civil) Division,
Telephone Exchange, 5th Floor,
Ganapathy, Coimbatore-6.
- 2.The Chief Engineer (Civil),
Bharat Sanchar Nigam Limited,
Tamil Nadu Civil Zone "A" Wing,
1st Floor, Administrative Building,
No.16, Greams Road, Chennai-600 006.

Present Address:

TNT Complex, 4th Floor,
No.60, Ethiraj Salai,
Chennai-600 008.

... Petitioners

-vs-

- 1.Central Administrative Tribunal,
(represented by its Registrar),
Madras Bench, High Court Campus,
Chennai-600 104.

2.S.R.Krishnakumari

- 3.The Chairman/ Secretary to Government,
Adi-Dravidar Welfare Department,
State Level Scrutiny Committee,
3rd Floor, Namakkal Kavignar Maligai,
Secretariat, Chennai-600 009.

(R-3 is suo motu impleaded by order
of this Court dated 25.07.2017)

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari calling for the entire records of the first respondent Tribunal in O.A.No.310/00258/2015 dated 19.04.2016 and the modified order dated 27.06.2016 and quash the same.

For Petitioners :: Mr.S.Udayakumar

For Respondents :: Mr.V.Vijayashankar for R2

Mr.V.Jayaprakash Narayanan,
Spl.GP for R3

ORDER

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

This writ petition has been filed to quash the order of the first respondent in O.A.No.310/00258/2015 dated 19.04.2016.

2.The second respondent, who belongs to Scheduled Caste community was appointed as Clerk in the Ministry of Department of Telecommunications on 09.07.1979. She produced a community certificate in the year 1978 obtained from the concerned Tahsildar claiming that she belongs to Scheduled Caste Community. She was terminated from service vide order dated 01.06.1984 without any enquiry, holding that there was a discrepancy in the community certificate produced by her at the time of recruitment. Thereafter, the second respondent filed a writ petition in W.P.No.6071 of 1984 before this Court and the same was transferred to the Central Administrative Tribunal, Madras Bench and renumbered as T.A.No.6 of 1992. The Tribunal passed an order on 16.03.1994 setting aside the order of termination of the second respondent and further holding that she is entitled to claim continuity of service, but not entitled for any backwages. The Tribunal further observed that it is open to the petitioners herein to take further action as per law in respect of the community certificate produced by her. When the genuineness of her caste certificate was sent for verification to the Tahsildar, Mettur District, it was replied that records were not available and it could not be traced. Thereafter, the second respondent was provisionally permitted to retire from service on attaining the age of superannuation on 30.11.2014, by proceedings dated 09.12.2014 of the first respondent in Memo No.9(1)/BSNL/CD/CBE/S.R.K/TOA/2014-15-777. Challenging the said memo, the petitioner filed Original Application in O.A.No.310/00258/2015 before the Central Administrative Tribunal, Madras Bench, and the same was disposed of on 19.04.2016 in favour of the second respondent, and the authorities were directed to release the retiral benefits to the second respondent within a stipulated time frame.

3.Challenging the said order passed in the original application, the present writ petition has been filed.

4.Heard the learned counsel on either side and perused the

materials available on record.

5.It appears that the matter is pending before the State Level Scrutiny Committee and hence the Chairman/ Secretary to Government, Adi-Dravidar Welfare Department, State Level Scrutiny Committee, 3rd Floor, Namakkal Kavignar Maligai, Secretariat, Chennai-600 009 is suo motu impleaded in this writ petition as the third respondent. At this juncture, the learned counsel for the second respondent as well as the learned Special Government Pleader for the third respondent, sought time to file counter. The filing of the counter may not be necessary in view of the fact that ultimately the matter has to be decided by the State Level Scrutiny Committee. There is doubtfulness in the claim of the second respondent that she belongs to Scheduled Caste community and hence verification of the community certificate is necessary. However, she was provisionally allowed to retire. This writ petition was filed in January 2017 and more than seven months had elapsed, but no progress has been made in respect of the issue with regard to the claim made by the second respondent.

6.In the above stated circumstances, the third respondent, viz.State Level Scrutiny Committee, is directed to verify the genuineness of the community certificate produced by the second respondent in a proper perspective and pass appropriate orders in accordance with law, after hearing the second respondent 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 judgment. The second respondent shall cooperate with the State Level Scrutiny Committee for enquiry.

7.With the above observation and direction, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KM

To

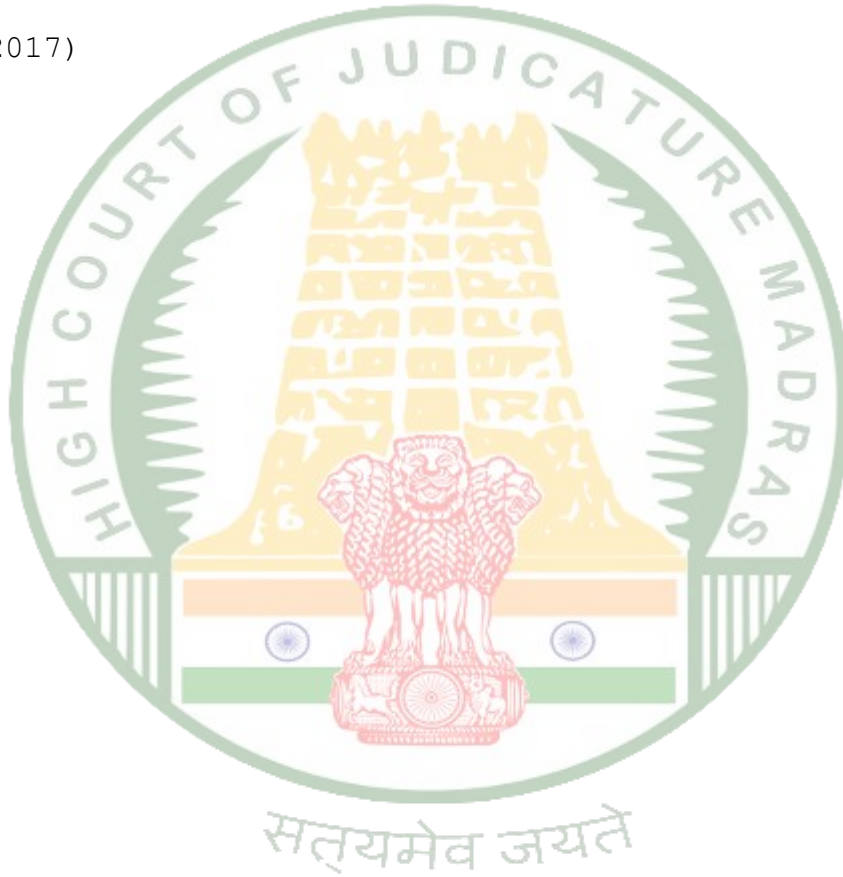
1.The Chairman / Secretary to Government,
Adi-Dravidar Welfare Department,
State Level Scrutiny Committee,
II Floor, Namakkal Kavignar Maligai,
Secretariat, Chennai-600 009.

2.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai-600 104.

+1cc to Mr.S.Udhaya Kumar, Advocate, S.R.No.52842
+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.52622

W.P.No.2827 of 2017
and
W.M.P.No.2760 of 2017

GN (04/09/2017)



WEB COPY