

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM :

THE HON'BLE MR. JUSTICE C.T.SELVAM
AND
THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Writ Petition No.28840 of 2017
and
WMP.No.31061 of 2017

G.Ganesan ... Petitioner

Vs

1.The Revenue Officer,
Corporation of Chennai,
Perambur Taluk,
Chennai - 600 011.

2.The Tahsildhar,
Corporation of Chennai,
Perambur Taluk,
Chennai - 600 011.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents to consider the petitioner's application dated 29.01.2014 expeditiously and issue the petitioner a fresh Community Certificate.

For Petitioner : Mr.B.Elango

For Respondents: Mr.S.N.Parthasarathy
Government Advocate

ORDER

(Order of this Court was made by M.V.MURALIDARAN,J.)

The instant writ petition is filed seeking a writ of mandamus to direct the respondents to consider the petitioner's application dated 29.01.2014 expeditiously and issue a fresh community certificate to him.

2. Brief facts of the case are as under:

It is averred that the petitioner, who joined as Sub Staff in the State Bank of India on 02.04.1979, by dint of his hard work and diligence earned periodic promotions and finally

attained superannuation as Senior Record Clerk/Cashier on 30.06.2017.

3. It is the plea of the petitioner that at the time of entering into service, he submitted all his original certificates to his employer, including community certificate, and such appointment was granted to him based on his educational qualification and social status of belonging to "Hindu Kumarans Community", which is a Scheduled Tribe.

4. When things stood thus, on 20.04.2014, to wit, after almost 35 years of entering into service, it is stated that the employer of the petitioner informed him that the staff award which is payable to him will be withheld, if he fails to produce a recent community certificate along with original for verification. It is stated that the petitioner made an application to the Special Tahsildar, Perambur Taluk, seeking issuance of a community certificate, but the same till date did not evoke any response.

5. The petitioner, it is claimed, requested his employer to disburse his pensionary benefits, gratuity and other benefits. However, the Bank did not pay heed to such request and insisted on production of a recent original community certificate.

6. It is the specific plea of the petitioner that even though he applied to the second respondent on 29.01.2014 for issuance of a fresh community certificate, till date the powers to be have not considered the same and such non-consideration has left him high and dry.

7. In such backdrop, the present writ petition is filed for the relief stated supra.

8. We have heard Mr.B.Elango, learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate appearing on behalf of the respondents.

9. It is not in dispute that the community certificate produced by the petitioner at the time of joining duty holds water even as on date and the same has not been set aside by competent authority. It is trite that when a community certificate had not been cancelled in the manner known to law by the competent authority, the contents of the said certificate have to be accepted as true and valid, by the authorities concerned. Moreover, this Court is unaware of the power conferred on the bank to withhold such benefits due and payable to the petitioner. However, since the bank is not before us, we do not propose to delve deep into the issue as to whether the bank is competent to withhold pensionary benefits due and payable to the petitioner.

10. The prayer sought in this writ petition lies within a narrow compass, to wit, to direct the respondents to consider the representation of the petitioner dated 29.01.2014 and issue fresh community certificate to petitioner forthwith.

11. However, considering the fact that over three years had elapsed since the date of submission of the said representation and to give the quietus to the issue, we direct the petitioner to submit a fresh representation to the respondents, enclosing all relevant documents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents are directed to dispose of the same, on merits and in accordance with law, within a period of four months thereafter.

The writ petition is disposed of accordingly. No costs. Consequently, W.M.P.No.31061 of 2017 is closed.

vs

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Revenue Officer,
Corporation of Chennai,
Perambur Taluk,
Chennai - 600 011.

2.The Tahsildhar,
Corporation of Chennai,
Perambur Taluk,
Chennai - 600 011.

+1cc to Mr.G.Vijayanand, Advocate SR.No.82499

+1cc to Government Pleader sR.No.83303

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and

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sm:22.12.2017

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