

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN
and
THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.8274 of 2015
and M.P.No.2 of 2015

G.Ramaswamy

... Petitioner

Vs.

The Chairman,
State Level Scrutiny Committee
and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai Fort St.George,
Secretariat, Chennai - 9.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records of the respondent in its proceedings No.9887/CV-4/2013-17 dated 17.11.2014 and quash the same.

For Petitioner : Mr.V.Vijayshankar

For Respondent : Mr. K.Venkatramani,
Additional Advocate General
Assisted by Mr. K.Dhananjeyam,
Special Government Pleader

O R D E R

K.K. SASIDHARAN, J.

The proceedings of the State Level Scrutiny Committee dated 17 November 2014 declaring that the petitioner does not belong to Konda Reddy Community is under challenge in this writ petition.

2. The petitioner obtained a Community Certificate from the jurisdictional Tahsildar on 27 September 1977. The petitioner was appointed as Assistant Coffee Inspector on the strength of

the Community Certificate.

3. The Community Certificate of the petitioner was referred to the District Collector, Coimbatore, for verification. The District Collector, Coimbatore, cancelled the Certificate by order dated 21 August 1989. The order was challenged in the writ petition in W.P.No.12370 of 1989. The writ petition was allowed by this Court, by order dated 19 June 1998 giving liberty to the Collector to proceed afresh after giving notice to the petitioner.

4. While so, the Government of Tamil Nadu, constituted a State Level Scrutiny Committee, as per order in G.O.Ms.No.108 dated 12 September 2007. The Community Certificate of the petitioner was referred to the State Level Scrutiny Committee. The Committee appears to have conducted enquiry through the Vigilance Cell and thereafter, decided the matter.

5. The petitioner is aggrieved on account of the failure to give copies of the documents and reasonable opportunity to submit his response. The impugned order is therefore, challenged primarily on the ground of violation of principles of natural justice.

6. We have heard the learned counsel for the petitioner. We have also heard the learned Additional Advocate General for the State.

7. The petitioner raised a question as to whether the State Level Scrutiny Committee was correct in deciding the issue raised by him without furnishing him documents. In view of the said contention, we have directed the learned Additional Advocate General to take instructions as to whether copies of the documents were furnished to the petitioner before passing the order.

8. The learned Additional Advocate General after taking instructions, fairly submitted that the report contains 149 pages and only 6 pages were given to the petitioner. According to the learned Additional Advocate General, there were 15 documents collected by the Committee. Similarly, the Committee examined 4 witnesses. According to the learned Additional Advocate General, the statements of the witnesses were not given to the petitioner.

9. The statement made by the learned Additional Advocate General supports the contention taken by the petitioner in this writ petitioner. We are, therefore of the view that the impugned order is liable to be set aside on the ground of violation of principles of natural justice.

10. In the result, the the order dated 17 November 2014 is set aside. The matter is remitted to the State Level Scrutiny Committee for fresh consideration. The Committee is directed to furnish all the documents to the petitioner, so as to enable him to offer his response. In case, the Committee has examined witnesses and opportunity was not given to the petitioner to cross examine those witnesses, necessarily those witnesses should be summoned for cross examination by the petitioner. There is no need to send the matter back for examining the witnesses. It would suffice if summons is issued to the witnesses for appearance before the State Level Committee, so as to enable the petitioner to cross examine them with reference to the statements given by them earlier. In case the Committee is of the view that the witnesses need to be examined afresh, it is open to them to take such a course. However, it must be ensured that the witnesses are examined in the presence of the petitioner and he shall be given an opportunity to cross examine them. The petitioner is not permitted to take the assistance of lawyers for cross examination.

11. The Committee shall see that principles of natural justice is followed in all respects. Since the matter is pending for long, the State Level Scrutiny Committee is directed to conclude the proceedings as expeditiously as possible and in any case, within a period of four months from the date of receipt of a copy of this order. It is needless to point out that the petitioner shall co-operate with the Committee for an early disposal of the matter.

The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gms

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To

The Chairman,
State Level Scrutiny Committee
and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai Fort St.George,
Secretariat, Chennai - 9.

+lcc to Mr.V.Vijayshankar, Advocate, S.R.No.24337
+lcc to the Government Pleader, S.R.No.24132

W.P. No. 8274 of 2015

NMI (CO)
CS/27/06/17



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