

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.No.36356 of 2016
and
WMP.No.31311 of 2016

- 1.The Union of India,
represented by its General Manager,
Southern Railway,
Park Town,
Madras - 600 003.
 - 2.The Union of India,
represented by the Chief Works Manager,
Carriage Works,
Southern Railways,
Perambur,
Madras - 600 023.
- Petitioners

vs.

- 1.The Registrar,
Central Administrative Tribunal,
Madras Bench,
High Court Premises,
Madras - 600 104.
 - 2.Shri N.Sundararaju
 - 3.The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
- (R3 is suo motu impleaded as per the
order dated 12.04.2017) Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the entire records relating to the impugned order dated 29.04.2016 in O.A.No.310/00367/2016 passed by the first respondent and to quash the same.

For Petitioners : Mrs.A.Srijayanthi
For R2 : Mr.Yogesh Kannadasan
For R3 : Mr.P.S.Sivashanmuga Sundaram, SGP

ORDER

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

This Writ Petition by Union of India and another, is directed against the order dated 29/04/2016 passed by the first respondent viz., Central Administrative Tribunal, Madras Bench (for brevity, 'the Tribunal') in O.A.No.310/00367/2016, whereby, the Tribunal directed the authority concerned to release the withhold retiral benefits to the second respondent within a stipulated time.

2.According to the second respondent, he retired from service as Section Engineer on 31.05.2011 and he is eligible to get pension. However, he is given only provisional pension and his retiral benefits, such as, pension, leave encashment, gratuity, computation and other accrued amounts were not disbursed on the ground that the caste certificate produced by him is pending verification by the State Level Scrutiny Committee. Hence, he filed the aforesaid Original Application before the Tribunal, seeking a direction to disburse the terminal benefits viz., full pension, leave encashment, gratuity and computation and other accrued amounts, if any, with reasonable interest as may be fixed by the Tribunal from the date on which the said amounts are due and payable to him.

3.By the order impugned herein, the Tribunal disposed of the aforesaid Original Application, holding that the pendency of the proceedings before the State Level Scrutiny Committee cannot be a bar for the Railway Administration for releasing the retiral benefits to the second respondent and the second respondent cannot be embargoed in getting his retiral benefits.

4.Learned counsel for the petitioners submitted that despite the issuance of summons, the second respondent did not appear for enquiry, due to which, the State Level Scrutiny Committee is unable to complete the enquiry and submit a report with regard to the Community status of the second respondent. Learned counsel further submitted that the second respondent has been continuously receiving the provisional pension.

5.Conceding the submission so made by the learned counsel for the petitioners, learned counsel for the third respondent submitted that the delay in completion of the enquiry by the third respondent is only due to non-appearance and non-co-operation on the part of the second respondent.

6. On the other hand, learned counsel for the second respondent submitted that as the second respondent is suffering from heart ailment, he could not be appeared before the third respondent for enquiry. However, learned counsel, on instructions, submitted that the second respondent is ready and willing to appear before the third respondent for enquiry.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the second respondent to appear before the third respondent viz., State Level Scrutiny Committee, with relevant documents, if any, for enquiry, within a period of one month from the date of receipt of a copy of this order. On such appearance and upon enquiry, the third respondent shall submit a detailed report with regard to the community certificate produced by the second respondent, to the petitioners within a period of two months thereafter. On receipt of the same, the petitioners shall do the needful in accordance with law.

8. Accordingly, the order of the Tribunal is modified and the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Central Administrative Tribunal,
Madras Bench,
High Court Premises,
Madras - 600 104.

2. The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.

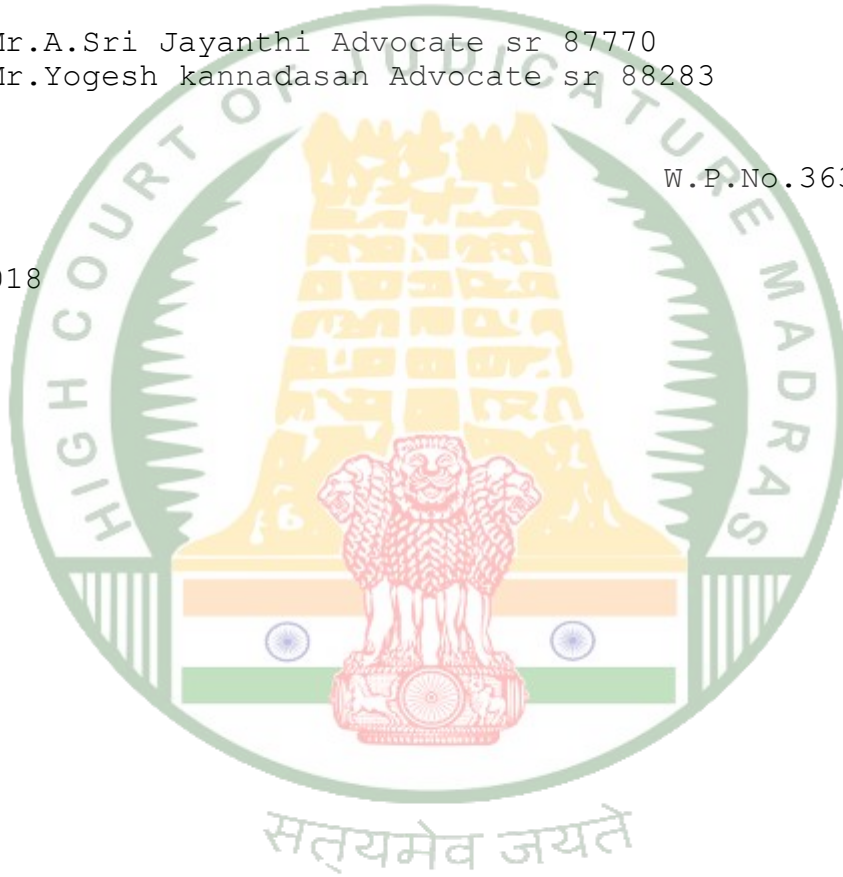
3.The General Manager
The Union of India
Southern Railway
Park Town Madras 600 003

4.The Chief Works Manager
The Union of India
Carriage Works
Southern Railways
Perambur
Madras 600 023

+1 cc to Mr.A.Sri Jayanthi Advocate sr 87770
+1 cc to Mr.Yogesh kannadasan Advocate sr 88283

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