

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

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

W.P. No.819 of 2016

T.Chandrasekaran

...Petitioner

Vs.

1. The Indian Bank
Rep. By its General Manager (HRM)
HRM Department, 254-260
Avvai Shanmugam Salai,
Royapettah,
Chennai 600 104.
2. The Indian Bank
Rep. By its Assistant General Manager (HRM)
HRM Department, 254-260
Avvai Shanmugam Salai,
Royapettah,
Chennai 600 104.
3. The Chairman
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.

...Respondents

[R3 suo motu impleaded as per order of the Court dated 16.03.2016]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the proceedings in ref. GR:O:16493:2015-16 dated 30.04.2015 of the second respondent and quash the order passed in so far as the denial of the terminal benefits of the petitioner and consequently direct the respondents to disburse the petitioner terminal benefits such as pension, leave encashment, gratuity, etc., with reasonable interest from the date of the dues.

For Petitioner : Ms. P.T.Asha
for Mr.Yogesh Kannadasan

For R1 & R2 : Mrs. Ritachandrasekar
for M/s. Aiyar & Dolia

For R3 : Mr. K.Venkatramani, AAG
Asst. by Mr. A.Kumar, Spl.G.P.

O R D E R

K.K. SASIDHARAN, J.

This writ petition is directed against the communication sent by the Indian Bank to the petitioner dated 30 April 2015, intimating him that his retirement benefits would be disbursed only after the disposal of the scrutiny proceedings pending before the State Level Scrutiny Committee.

2. We have heard the learned counsel for the petitioner, learned Standing Counsel for Indian Bank and the learned Additional Advocate General on behalf of the Tamil Nadu State Level Scrutiny Committee.

3. The petitioner was appointed in Indian Bank on the strength of a Community Certificate produced by him. The post was reserved for Scheduled Tribe. The petitioner obtained a Community Certificate from the Tahsildar, Trichy dated 20 November 1978 and on the basis of the said Certificate, secured employment.

4. The District Collector, Trichy, by order dated 06 May 1994 declared that the Community Certificate obtained by the petitioner was not a valid one. The said order was challenged by him before the High Court in W.P.No.9826 of 1999. The order passed by the Collector was set aside by this Court, by order dated 31 July 2008. The District Collector was directed to forward the entire papers to the State Level Scrutiny Committee for scrutiny. In the mean time, the petitioner retired from service on attaining the age of superannuation. Since the scrutiny proceedings were pending before the State Level Scrutiny Committee, the Bank informed the petitioner that it will not be in a position to disburse the retirement benefits. The communication is under challenge, at the instance of the petitioner.

5. The learned Additional Advocate General, on instructions submitted that the State Level Scrutiny Committee has already called upon the District Level Vigilance Cell to conduct enquiry and submit a report by proceedings dated 06 April 2017. The learned Additional Advocate General further

submitted that the proceedings would be completed as expeditiously as possible.

6. The learned counsel for the petitioner submitted that at present, the petitioner is not available in India and he would be back only on 15 June 2017. The learned counsel further submitted that the petitioner would send all the documents to the State Level Scrutiny Committee by registered post within a period of three weeks from today. The said submission is recorded.

7. The District Vigilance Cell is directed to conduct the enquiry only after 15 June 2017 in view of the difficulty expressed by the petitioner. The Vigilance Cell shall conduct enquiry in accordance with the law laid down by the Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241] and subsequently in Dayaram v. Sudhir Batham [(2012) 1 SCC 333]. In case statements are recorded, necessarily copies should be given to the petitioner and he should be given an opportunity to cross examine the witnesses. The enquiry report submitted by the District Vigilance Cell shall also be given to the petitioner along with the copies of all the documents. Thereafter, enquiry should be conducted by the State Level Scrutiny Committee with notice to the petitioner.

8. The State Level Scrutiny Committee is directed to decide the matter on merits and as per law as expeditiously as possible and in any case, on or before 03 October 2017. The petitioner is directed to co-operate with the State Level Scrutiny Committee for an early disposal of the matter. We have given sufficient indulgence to petitioner by accommodating him, in view of the difficulty expressed by him that he will be back out of India only till 14 June 2017. In case it is made out that the petitioner is dragging the matter under one pretext or the other, it is open to the State Level Scrutiny Committee to decide the matter on the basis of the available materials. The question of disbursement of retirement benefits to the petitioner should await the result of the scrutiny proceeding.

9. The writ petition is disposed of with the above direction.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

sjj/gms

To

- R1 The Indian Bank
General Manager (HRM)
HRM Department, 254-260
Avvai Shanmugam Salai,
Royapettah,
Chennai-14.
- R2 The Assistant General Manager (HRM)
The Indian Bank
HRM Department, 254-260
Avvai Shanmugam Salai,
Royapettah,
Chennai-14.
- R3 The Chairman
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.

Copy to :

The District Collector Chairman,
District Level Vigilance Committee,
Collectorate Trichy.

+1cc to M/S.Aiyar & Dolia, Advocate Sr. 23775

+1cc to Mr.Yogesh Kannadasan, Advocate Sr. 5335

W.P. No. 819 of 2016

NR(CO)
VR(11/5/2017)

सत्यमेव जयते

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