

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL  
AND  
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.9498 of 2018

1. The Board of Trustees of  
Chennai Port Trust,  
rep.by its Chairman,  
Rajaji Salai,  
Chennai
2. The Secretary,  
Chennai Port Trust,  
Rajaji Salai,  
Chennai. .... Petitioners

vs.

- 1.The State Level Scrutiny Committee/  
Principal Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat,  
Chennai-600 009. .... Respondents
- 2.M.Hema

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the First Respondent/State Level Scrutiny Committee herein, to complete the enquiry within the time stipulated by this Hon'ble Court with regard to the Status of the 2<sup>nd</sup> Respondent herein based upon the representation of the Petitioner in SCT2/5090/2001/GA, dated 14.09.2017.

For Petitioners : Mr.R.K.Karthikeyan

For Respondents : Mr.K.Rajendra Prasad,A.G.P.  
For R1

ORDER

(Order of the Court was made by M.VENUGOPAL,J.)

The Petitioners have preferred the instant Writ Petition praying for passing of an Order by this Court in directing the First Respondent/State Level Scrutiny Committee, Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai, to complete the enquiry within the time determined by this Court relating to the Community status of the Second Respondent, based upon the Representation of the Second Petitioner dated 14.09.2017.

2.Heard the Learned Counsel for the Petitioners and the Learned Additional Government Pleader for the First Respondent.

3.To avoid an unavoidable delay, notice to the Second Respondent is dispensed with.

4.According to the Petitioners, the Second Respondent joined the service as Nurse in Medical Department of Chennai Port Trust on 01.10.1982 against a vacancy reserved for Scheduled Tribe, declaring herself as 'Konda Reddy Community' on a Certificate issued by the Deputy Tahsildar, Radhapuram Taluk. It appears that a complaint was received stating that the Second Respondent had joined the service on the basis of 'Bogus Community Certificate' and the same was sent for verification to the District Level Committee. As a matter of fact, the District Level Committee started to verify the same and in the interregnum, the Second Respondent had projected W.P.No.2240 of 2002 to restrain the District Collector/Chairman District Level Vigilance Committee, from verifying the Community Certificate and this Court, on 06.12.2010, while disposing of the Writ Petition, had found that the District Level Vigilance Committee was not the competent authority to deal with the Community Certificate of Scheduled Tribes and directed the First Respondent therein to pass final Orders within six months.

5.The Prime grievance of the Petitioners is that they addressed numerous Letters to the First Respondent beginning from 29.1.2011 till 20.12.2013 to expedite the enquiry as against the Second Respondent and that the First Respondent/State Level Scrutiny Committee/Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department, Chennai-9, on 04.12.2013 had directed the Revenue Divisional Officer, Tirunelveli, to conduct a spot enquiry and submit a Report.

6.Not resting with the addressing of various Letters by

the Petitioners, again, on 12.03.2014, 6.6.2014, 26.11.2014, 19.2.2015, 17.7.2015, the Second Petitioner had addressed Letters, making a request to the First Respondent to expedite the enquiry as against the Second Respondent. The Second Petitioner, by a Letter dated 15.7.2015, again made a request to the Revenue Divisional Officer, Cheranmadevi, to conduct a spot enquiry with regard to the Community Status of the Second Respondent and report the same and also addressed a Letter dated 14.10.2015 to the Second Respondent, calling her to appear for an enquiry on 20.10.2015 and again since nothing was heard from the First Respondent, the Petitioners made a request to the First Respondent for expediting the enquiry as against the Second Respondent.

7.It comes to be known that the First Respondent through a Letter dated 12.5.2016 had directed the Deputy Superintendent of Police, SC/ST Vigilance Cell, to verify the genuineness of the Community Certificate of the Second Respondent.

8.Besides that, by Letters dated 13.06.2016, 11.8.2016, 21.12.2016, 09.02.2016, 09.06.2017, 14.09.2017, the Petitioners had requested the First Respondent to complete the enquiry of the Community status of the Second Respondent as expeditiously as possible. However, as on today, the First Respondent has not passed Orders in the subject matter in issue.

9.At this stage, the Learned Counsel for the Petitioners submits that in spite of the Order passed by this Court on 06.12.2010, in W.P.No.2240 of 2010, where the District Collector, Tirunelveli was directed to refer the dispute pending on his file in respect of the Community status of the Petitioner (the Second Respondent in the present Writ Petition) to the State Level Scrutiny Committee, within a period of four weeks from the date of receipt of copy of the said Order and further, on receipt of the said reference, the said Level Vigilance Committee was directed to hold appropriate enquiry with regard to the Community of the Second Respondent (Petitioner therein) and pass orders within a period of six months and after passing of the final orders by the State Level Vigilance Committee, the Second Respondent therein(the First Petitioner herein) was directed to pass consequential Orders, subject to the out come of the said Proceedings, within a period of four weeks thereafter regarding the promotion of the Second Respondent (Petitioner therein). Nothing tangible has been done in the subject matter in issue. Since no decision is taken on the verification of the Community status of the Second Respondent (Petitioner in W.P.No.9498 of 2018) and left with no other option, the Petitioners are perforced to approach this Court.

10.Per contra, it is the submission of the Learned

Counsel for the First Respondent/State Level Scrutiny Committee/Principal Secretary to Government, Adi Dravidar Tribal Welfare Department, Chennai, that the First Respondent/State Level Scrutiny Committee will complete the enquiry, if a reasonable time is determined by this Court to verify the Community status of the Second Respondent, based on the Representation of the Second Petitioner, dated 14.09.2017.

11.Considering the fact that this Court had earlier passed Order in W.P.No.2240 of 2002 as early as on 06.12.2010 and also this Court, taking note of the candid fact that inspite of numerous Letters addressed to the First Respondent, by the Petitioners, commencing from 29.1.2011 till 14.09.2017, and in view of the fact that no progression has been made in the subject matter in issue, this Court, on the basis of equity, fair play, good conscience and even as a matter of prudence, directs the First Respondent/State Level Scrutiny Committee/Principal Secretary to Government, Adi Dravidar and Tribal Welfare Department, to look into the Representation of the Second Petitioner, dated 14.09.2017 with all seriousness and earnestness and to complete the enquiry with regard to the Community status of the Second Respondent within a period of four weeks from the date of receipt of copy of this Order. Soon after completion of enquiry within the time determined by this Court, in the present Writ Petition, a 'Compliance Report' shall be submitted by the First Respondent/State Level Scrutiny Committee by addressing a communication to the Registrar (Judicial) of this Court, without fail. Before parting with the case, this Court makes it quite clear that if the enquiry is not completed within the time stipulated by this Court in the present Order and also if no 'Report' is filed by the First Respondent, then, it is open to the Petitioners to initiate necessary Contempt Proceedings, of course, in accordance with Law, in which event, the First Respondent may have to appear in person before this Court and explain the reasons for non-compliance of the Order passed by this Court.

With the above Observations/Directions, the Writ Petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msk

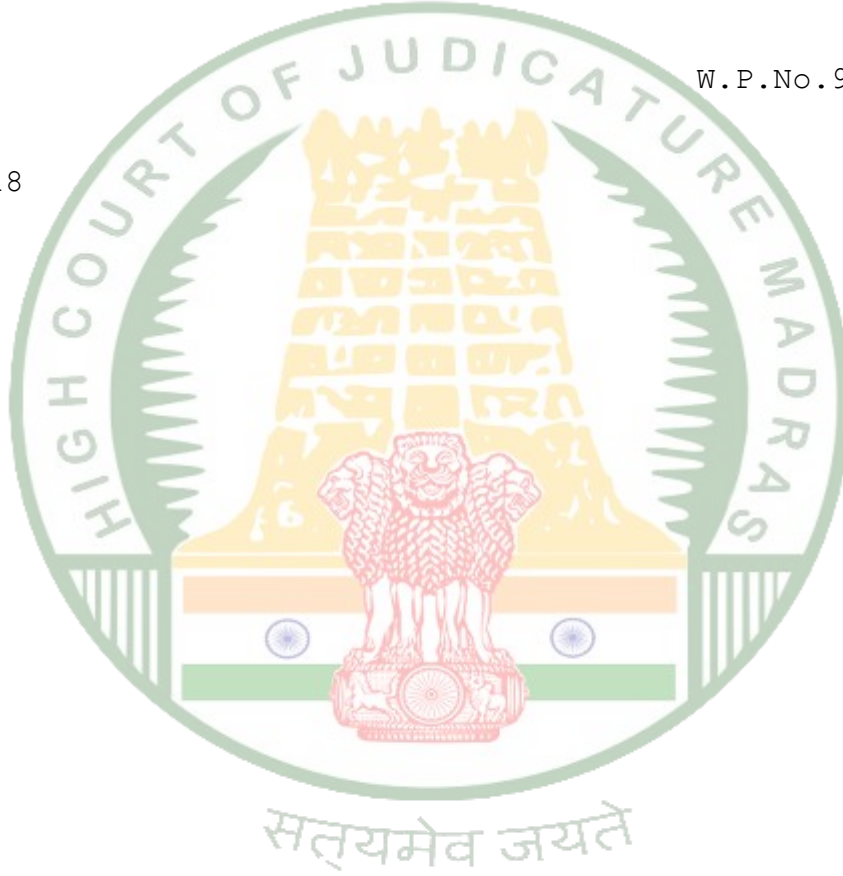
To

1. The State Level Scrutiny Committee/  
Principal Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat, Chennai-600 009.
2. The Registrar (Judicial)  
High Court, Madras.

+lcc to Mr.R.K.Karthikeyan, Advocate, S.R.No.41479  
+lcc to the Government Pleader, S.R.No.41875

W.P.No.9498 of 2018

MR(CO)  
CS/02/07/18



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