

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.9499 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.

2.P.Janikiraman

... Respondents

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 2nd Respondent herein based upon the representations of the Petitioner dated 04.07.2017 and 08.09.2017.

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 Representations of the Second Petitioner, dated 04.07.2017 and 08.09.2017.

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 Clerk in erstwhile Madras Dock Labour Board, on 04.08.1999 against a vacancy reserved for Scheduled Tribe, declaring himself as 'Kurumans Community' on a Certificate issued by the Tahsildar, Purasawalkam-Perambur Taluk, Madras. It appears that based on the direction given by the Ministry of Shipping, the 'Community Certificate' of the Second Respondent was sent for verification to the District Collector, Chennai, on 10.10.2005. The District Collector, by his Order dated 17.09.2008, had found that the 'Community Certificate' of the Second Respondent was not a genuine one, but however, informed that the Competent Authority to cancel the same was the State Level Scrutiny Committee. Hence, the entire records were forwarded to the State Level Scrutiny Committee.

5.The Prime grievance of the Petitioners is that they addressed numerous Letters to the First Respondent/State Level Scrutiny Committee beginning from 02.02.2012 to 21.06.2014, to expedite the enquiry as against the Second Respondent with regard to his Community Status and pass Orders. According to the Petitioners, the First Respondent, by Letters dated 21.08.2014 and 08.09.2014 had directed the Second Respondent to appear for an enquiry. However, the Second Respondent did not appear and sought time and the enquiry was adjourned. The First Respondent, by Letter dated 13.11.2014 had directed the Second Respondent to appear for enquiry. In fact the First Respondent, by Letters dated 16.12.2014, 29.01.2015, 25.02.2015 and 6.7.2015, had requested the Anthropologist to conduct a spot visit and submit a report to them. Thereafter, nothing was heard from the First Respondent.

6.Besides that, by Letters dated 12.08.2015,

28.12.2015, 26.5.2016, 22.08.2016, 16.12.2016, 23.02.2017, 04.07.2017 and 08.09.2017 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.

7.At this stage, the Learned Counsel for the Petitioners submits that in spite of numerous Letters sent by the Petitioners requesting the First Respondent to enquire into the Community Status of the Second Respondent and pass orders, nothing tangible has been done in the subject matter in issue so far. Since no decision is taken on the verification of the Community status of the Second Respondent and left with no other option, the Petitioners are performed to approach this Court.

8.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 Representations of the Second Petitioner, dated 04.07.2017 and 08.09.2017.

9.Considering the fact that inspite of numerous Letters addressed to the First Respondent, by the Petitioners, commencing from 02.02.2012 till 08.09.2017, 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 Representations of the Second Petitioner, dated 04.07.2017 and 08.09.2017 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.

+1cc to Mr.R.K.Karthikeyan, Advocate, S.R.No.41480
+1cc to the Government Pleader, S.R.No.41875

W.P.No.9499 of 2018

MR (CO)
CS/02/07/2018

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