

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 4.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 12378 of 2018
and
W.M.P. No. 14531 of 2018

1. Union of India
Rep. By the Secretary to Government,
Education Department,
Government of Puducherry,
Chief Secretariat, Puducherry.
2. The Director of School Education,
Puducherry
3. The Junior Accounts Officer,
Directorate of Accounts and Treasuries,
Government of Puducherry,
Karaikal.
4. The Under Secretary to Government,
Department of Personnel and Administration Reforms
Puducherry. ...Petitioners

Vs.

1. The Central Administrative Tribunal,
Rep. By the Registrar,
Additional City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.
2. S. Tharmaraj
3. The Secretary to the Govt.
State Level Scrutiny Committee,
Adi-Dravidar and Tribal Welfare (CV-I) Dept,
Govt. of Tamil Nadu, Chennai ...Respondents

Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the order passed in O.A. No.310/00332/2015 dated 21.11.2016 on the file of the Central Administrative Tribunal, Madras Bench and quash the same.

For Petitioners : Mr. R. Syed Mustafa,
Special Government Pleader

For Respondents : R1 - Tribunal
Mr. R. Saravanan for R2
M/s. A. Srijayanti,
Spl. Government Pleader for
R3

ORDER

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

This writ petition has been filed by the petitioners challenging the order of the Tribunal by which the Respondent No.2 was directed to be given all the benefits, notwithstanding the fact that the validity of the Community Certificate given by him is pending before the State Level Scrutiny Committee, namely the Respondent No.3, since impleaded by the order dated 10.10.2018.

2. Learned counsel appearing for the petitioners submits that until and unless the said issue is settled, the Respondent No.2 is not entitled to the benefits.

3. Learned counsel appearing for the Respondent No.2 submits that as on today, the certificate issued showing him as Scheduled Tribe stands.

4. Learned Government Pleader has not submitted any instructions, despite the adjournments made.

5. Getting the employment and thereafter getting the benefits out of it showing the certificate as the one belonging to reserved community, though not belonging to it, would amount to fraud on the Constitution. Admittedly, the third respondent Committee is seized of the matter with respect to the Community Certificate of the Respondent No.2.

6. In such view of the matter, we are of the considered view that it would be appropriate to direct the Respondent No.3 to conclude the proceedings and take a decision about the

genuineness and veracity of the Community Certificate of the Respondent No.2 within a period of eight weeks from the date of receipt of a copy of this order. If the Community Certificate of the Respondent No.2 is found to be genuine, the petitioner's will have to pay all the benefits to him within a period of eight weeks thereafter.

7. Accordingly, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed.

ssm

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
Central Administrative Tribunal,
Additional City Civil Court Buildings,
High Court Campus,
Chennai - 600 104.
2. The Secretary,
State Level Scrutiny Committee,
Adi-Dravidar and Tribal Welfare (CV-I) Dept,
Govt.of Tamil Nadu,
Chennai.

+1cc to Mr.R.Saravanan, Advocate, S.R.No.83263
+1cc to the Government Pleader, S.R.No.84183.

सत्यमेव जयते

W.P. No. 12378 of 2018

kak (02/01/2019)

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