



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.8437 of 2017
and
W.M.P. (MD) .Nos.6441 and 6442 of 2017

Thirupathi

... Petitioner

Vs.

1.The Assistant General Manager,
State Bank of India,
(Formerly State Bank of Travancore)
Madurai Region,
Madurai.

2.The Government of Tamil Nadu,
Rep by Adi Thravidar Tribunal
Welfare Department,
St.George Fort, Chennai.

3.The District Collector,
Madurai.
(R2 and R3 are suo-motu impleaded vide
order dated 02.01.2018) ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent made in AGM V/MDU/STAFF dated 06.01.2017 and quash the same and consequently, direct the respondent to relieve the petitioner under Voluntary Retirement Scheme with benefits.

For Petitioner	: Mr.R.Murali
For R1	: Mr.Pala Ramasamy
For R2 and R3	: Mr.D.Muruganandam
	Addl. Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.Pala Ramasamy, learned counsel appearing for the first respondent and Mr.D.Muruganandam, learned Additional Government Pleader appearing for the second and third respondents.



2.The petitioner claims himself to belong to Scheduled Tribe Community and based on the certificate issued by the Tahsildar, Usilampatti, dated 16.04.1984, secured employment in the first respondent Bank under the reserved category. The communal status of the petitioner is now under scrutiny and pending before the State Level Scrutiny Committee. In the mean time, citing health reasons, the petitioner submitted an application dated 16.12.2016 requesting that he may be permitted to be relieved from service of the Bank on Voluntary Retirement. The first respondent Bank considered the said reasons and by the impugned communication dated 06.01.2017 informed the petitioner that the VRS application can be considered, but the retirement benefits of the employee can be released only when the scrutiny Committee comes to a conclusion that the petitioner belongs to a Scheduled Tribe Community. Admittedly, as on today, the matter is pending on the file of the State Level Scrutiny Committee.

3.After elaborately hearing the learned counsel for the petitioner and carefully perused the materials placed on record, we find that the impugned communication is just and proper and will protect the interest of the petitioner. The first respondent Bank are justified in stating that the settlement of retirement benefits to the petitioner, on being permitted to go on VRS, can be released only after the findings rendered by the State Level Scrutiny Committee. This is moreso, in the light of the law laid down by the Hon'ble Supreme Court that if it is found that a false community certificate has been produced and employment secured, everything stands vitiated. Therefore, there is no error in the impugned communication.

4.The learned counsel for the petitioner would submit that the enquiry is pending for a quite long period and necessary direction may be issued to the second respondent, who is the Chairman of the State Level Scrutiny Committee.

5.In the result, the writ petition is dismissed and the order of the first respondent is confirmed. No costs. Consequently, the connected miscellaneous petitions are also closed.

6.Considering the fact that the verification is still with the State Level Scrutiny Committee, we direct the second respondent to expedite the enquiry and conclude the same, as expeditiously as possible within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CSIII)

/True Copy/

Sub-Assistant Registrar



To

1.The Assistant General Manager,
State Bank of India,
(Formerly State Bank of Travancore)
Madurai Region,
Madurai.

2.The Adi Thravidar Tribunal
Welfare Department,
The Government of Tamil Nadu,
St.George Fort, Chennai.

3.The District Collector,
Madurai.

+One cc to Mr.M.Suresh Kumar, Advocate, SR.No.48109

+One cc to The Special Government Pleader, SR.no.48303

Ns

RL/6C/3P/KKR/SAR2/9/3/2018

W.P. (MD) .No.8437 of 2017
and
W.M.P. (MD) .Nos.6441 and 6442 of 2017

12.02.2018