

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P. No. 10023 of 1998

L.Ramalingam

...Petitioner

-vs-

1.The Senior Manager,
UCO Bank, Purasawalkam Branch,
286, Purasawalkam High Road,
Chennai - 7.

2.Personal Assistant to District
Collector (Additional),
Collectorate of Chennai,
32, Rajaji Salai, Chennai - 1.

3.Zonal Manager,
UCO Bank Building,
P.Box. 1876, II Floor,
169, Thambu Chetty Street,
Chennai - 1.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to forbear from requiring the respondent from producing a fresh community certificate and as well proceeding with any enquiry to verify his community certificate.

For Petitioner : Mr.S.P.Srinivasan

For Respondents : Mr.Srinath Sridevan for R1
: Mr.M.Elumalai,
Govt. Advocate for R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner herein was recruited in sub-staff cadre of the first respondent Bank by the appointment order dated

24.02.1977. He joined the services of the first respondent Bank on 01.03.1977 as Scheduled Caste candidate. According to the petitioner, he belongs to Hindu Kurumans community.

2.The Bank thereafter issued a letter dated 29.01.1998 to the petitioner placing reliance upon the guidelines issued by the Government of India, Ministry of Finance dated 22.03.1977. It appears that the aforesaid guidelines which were followed by the circular of the Bank dated 16.05.1990 making it mandatory for the staff to produce the caste certificate in the revised format is applicable to the such of those joined after 22.03.1977. The petitioner admittedly joined the services prior to that. Under those circumstances, the present writ petition has been filed.

3.The following is the statement made in para 4 of the counter affidavit:-

(4) I state that Government of India, Ministry of Finance, New Delhi issued a guidelines to all Government of India Undertaking stating that the members of staff who joined after 22/3/77 in SC and ST category should produce a fresh certificate of caste in the revised format issued by the competent authority set out therein. The guidelines were communicated in the form of administrative order by the respondent Bank in its circular No. CHO/PMG/14/90 dt.16/5/90 instructing the Controlling Offices and Branches of the Bank to inform the staff concerned to produce a caste certificate in the revised format enclosed thereto. The petitioner having joined the service of the respondent Bank prior to 22/3/77 was outside the purview of the provisions thereof. However, by mistake, the respondent Bank gave him the impugned letter dt.29/1/98 under the impression that he was also to produce the caste certificate in the revised format. The mistake was realised only afterwards by which time the petitioner had filed the present writ petition.

4.There are two things involved before us. One is with respect to the letter issued by the Bank. This letter may not be required as stated in the aforesaid paragraph in the counter affidavit filed by the Bank which has got no relevancy at all. Admittedly, the Collector of Chennai has initiated the proceedings in P.A.No.57640/94. The petitioner cannot have grievance over the said initiation of action as he has to only satisfy the authority that he indeed belongs to Scheduled Tribe community. Further more, the petitioner has also attained the age of superannuation. Thus, looking from any perspective, the

writ petition deserves to be dismissed. Accordingly, the writ petition stands dismissed. No costs.

5. Insofar as the incidental benefits the petitioner is entitled to, he can come up with a separate prayer. Similarly, if the enquiry has been withheld because of the pendency of the writ petition, it is well open to the second respondent to proceed further in accordance with law. We make it clear that there is nothing wrong in the Bank giving letter to the second respondent to check and verify the community status of the petitioner, which is nothing but a verification process and which has also got a laudable object to prevent committing fraud on the Constitution.

mmi/ssm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Personal Assistant to District Collector (Additional),
Collectorate of Chennai,
32, Rajaji Salai, Chennai - 1.
2. The Zonal Manager,
UCO Bank Building,
P.Box. 1876, II Floor,
169, Thambu Chetty Street,
Chennai - 1.

+1cc to Mr.Srinath Sridevan, Advocate, SR.No.86424
+1cc to the Govt.Pleader, Vide Sr.No.86060
+2cc to Mr.SP.Srinivasan, Advocate, SR.No.85671

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Kak(19/11/2019)

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