

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2019

CORAM

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P.No. 29234 of 2008

R.Rani

...Petitioner

Vs

The General Manager (H & M)
Indian Bank, Head Office,
Chennai.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the proceedings of the respondent in its No. IRC/KR/2008 dated 07.02.2008 and quash the same and consequently direct the respondent to pay backwages to the petitioner for the period 20.10.2001 to 28.02.2008 with all allowances and attendant benefits.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mrs.Rita Chandrasekaran
for M/s.Aiyar and Dolia

O R D E R

Writ petition has been filed challenging the proceedings of the respondent in its No. IRC/KR/2008 dated 07.02.2008 and quash the same and consequently direct the respondent to pay backwages to the petitioner for the period from 20.10.2001 to 28.02.2008 with all allowances and attendant benefits.

2. The petitioner/R.Rani claims to be a person belonging to Konda Reddi community, which is a Scheduled Tribe community as per the Constitution Scheduled Tribes Order 1950. The petitioner was terminated from service on the basis of the order dated 31.08.2001 passed by the two member District Level Vigilance Committee, Trichy District, cancelling her community certificate. The General Manager (H & M) of Indian Bank, Head Office, Chennai/ the respondent herein has issued a termination order dated 20.10.2001 to the petitioner by enclosing a copy of the proceedings of the District Level Vigilance Committee,

Trichy dated 31.08.2001.

3. The learned counsel appearing for the petitioner submitted that the petitioner herein filed W.P.No.20699 of 2001 before this Court challenging the termination order dated 20.10.2001 and also the proceedings dated 31.08.2001 issued by the District Level Vigilance Committee, Trichy. It is also stated that this Court, by order dated 02.08.2002, taking note of the fact that the proceedings of the two Member District Level Vigilance Committee were violative of the principles of natural justice as there was no proper enquiry held before canceling the petitioner's community certificate, set aside the impugned orders dated 31.08.2001 and 20.10.2001 respectively. Aggrieved by the same, the respondent bank filed W.A.No.2969 of 2002 before this Court and by order dated 25.03.2003, the Division Bench of this Court dismissed the same, confirming the order passed by the learned Single Judge. Being not satisfied with the order passed by the Division Bench, the respondent Bank preferred SLP.No.20186 of 2003 before the Hon'ble Apex Court, which was later converted into C.A.No.54 of 2005. Finally, by its order dated 06.12.2007, the Hon'ble Apex Court has directed the respondent bank to reinstate the petitioner into service till the matter is decided by the State Level Scrutiny Committee afresh.

4. Pursuant to the order passed by the Apex Court, the petitioner was reinstated in service on 11.02.2008. Since the petitioner has attained the age of superannuation, the respondent bank allowed the petitioner to retire from service subject to the result of pending issue before the newly constituted Committee in terms of G.O.M.S.No.111, Adidravidar and Tribal Welfare (ADW-10) Department dated 06.07.2005. The impugned order dated 07.02.2008 has been issued informing the petitioner that she was not entitled to receive any backwages or consequential benefits since the issue has not been decided by the State Level Scrutiny Committee afresh. The said impugned order dated 07.02.2008 passed by the respondent bank is under challenge before this Court in the present writ petition.

5. The learned counsel appearing for the petitioner would submit that when the petitioner was reinstated into service by virtue of order dated 06.12.2007, passed by the Hon'ble Apex Court C.A.No.54 of 2005, the respondent cannot refuse to pay backwages.

6. Mrs.Rita Chandrasekaran, the learned counsel appearing for the respondent Bank fairly submits that the impugned order has been complied with as per the direction issued by the Hon'ble Apex Court, by reinstating the petitioner into service subject to the result of the newly constituted Committee namely

the State Level Scrutiny Committee and since the issue with regard to the genuineness of the petitioner's community certificate as she belongs to Konda Reddi community, which is a Scheduled Tribe community as per the Constitution Scheduled Tribes Order 1950, is yet to be decided, the petitioner cannot be paid with any backwages and other consequential benefits. The learned counsel has also stated that in case, the petitioner gets an order confirming her community status that she belongs to Konda Reddi community, the respondent bank is liable to pay all consequential service benefits to her.

7. In view of the above submissions and also considering the fact that the matter is yet to be decided by the State Level Scrutiny Committee afresh, the writ petition is dismissed. No costs.
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Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To
The General Manager (H & M)
Indian Bank, Head Office,
Chennai.

+1cc to Mr.V.Vijay Shankar, Advocate, SR.No.41042
+1cc to M/s.Aiyar & Dolia, Advocates, vide SR.No.40750

W.P.No. 29234 of 2008

SV (CO)
Kak (08/07/2019)
Kak (26/07/2019)

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