

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN
and
The Honourable Ms.JUSTICE P.T.ASHA

W.P.No.28396 of 2016

1. The Union of India,
Represented by the General Manager,
Southern Railway, Park Town,
Chennai.

2. The Chief Personnel Officer,
Southern Railway, Park Town,
Chennai -600 003.

3. The Senior Divisional Personnel Officer,
Chennai Division, NGO Annexe,
Park Town, Southern Railway,
Chennai- 600 003.

..Petitioners

Vs.

1. P. R. Kasilingam
Rtd. Loco Pilot (Mail)
Chennai Divisional/Southern Railway,
No.6 Padbhanabhan Street,
Sri lakshmi Flats, Villivakkam,
Chennai- 600 049.

2. The Registrar,
Central Administrative Tribunal,
Madras Bench,
Chennai.

3. The Chariman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.

R3 is Suo motu impleaded as per order
dated 16.03.2017 by KKSJ and MVMJ
in W.P.No.28396 of 2016.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorari or any other writ or order or direction in the nature of a writ to call for the entire records of the second respondent Tribunal in O.A.No.1461 of 2013 and quash the order dated 09.03.2016 passed therein.

For petitioners : Mr. P.T.Ramkumar

For Respondents : Mr. L. Chandrakumar for R1
Tribunal- R2
Mrs. A. Srijayanthi,
Spl.G.P. For R3

O R D E R

(Order of the Court was delivered by K.K.SASIDHARAN,J)

The Central Administrative Tribunal allowed the Original Application filed by the first respondent and a direction was given to the Railways to pay the retirement benefits notwithstanding the pendency of the verification process relating to the community status. Feeling aggrieved by the said order, the Railways have come up with the present Writ Petition.

2. The State Level Scrutiny Committee, during the pendency of the writ petition, verified the community status of the first respondent and an order was passed on 29.03.2019 indicating that he does not belong to Kondareddy Community which is declared as a Scheduled Tribes Community. The Committee called upon the Railways to take stringent action against the first respondent for producing bogus Community Certificate. There is no question of payment of retirement benefits to the respondent at this point of time on account of the order passed by the State Level Scrutiny Committee negating the plea taken by the first respondent.

3. We are informed by the learned counsel for the first respondent that he is filing a separate Writ Petition challenging the order dated 12.06.2019 on the file of the State Level Scrutiny Committee.

4. We set aside the order passed by the Tribunal. We make it clear that the payment of retirement benefits to the first respondent would abide by the decision to be taken in the Writ Petition filed by the respondent Challenging the order passed by the State Level Scrutiny Committee.

5. The Writ Petition is disposed of with the above observation. No costs.

s/d-
Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

mrn

To

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Secretariat, Chennai.

+1 CC to Mr.P.T. Ram Kumar, Advocate sr 66908.

+1 CC to Govt. Pleader sr 67102.

+1 CC to Mr.L. Chandrakumar, Advocate sr 66951.

W.P.No.28396 of 2016

RSI(CO)
SP(14/09/2019)