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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.34907 of 2016
and
W.M.P.No.30055 of 2016

1.Union of India
rep.by the General Manager,
Southern Railway,
Part Town,
Cehnnai- 600 003.

2.Divisional Railway Manager,
Chennai Division,
Southern Railway,
Chennai.

3.Senior Divisional Personnel Officer,
Chennai Division,
Southern Railway,
Chennai.

... Petitioners

Vs.

1.M.Sreepathy

2.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai- 600 104.

3.The Chairman,
The State Level Scrutiny Committee,
Adi Dravidar Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

...Respondents

(R3 impleaded vide order dated 01.03.2019 made in W.M.P.No.6710 of 2019 in W.P.No.34907 of 2016 by MVJ & KRJ)

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari to call for the records of the 2nd respondent pertaining to O.A.No.75 of 2015 and order passed thereon dated 14.03.2016 and to quash the same.



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For Petitioners : Mr.P.T. Ramkumar
For Respondents : Mr.Yogesh Kannadasan for R1
R2-Tribunal
Mrs.A.Srijayanthi
Special Government Pleader for R3

O R D E R

(Order of the Court was made 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 12.06.2019 indicating that he does not belong to Hindu - Konda Kapus 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.

The Writ Petition is disposed of with the above observation. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mps



To

1.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court, Campus,
Chennai - 104.

2.The Chairman,
The State Level Scrutiny Committee,
Adi Dravidar Tribal Welfare Department,
Government of Tamil Nadu,
Fort St. George,
Chennai.

3.The General Manager,
Southern Railway,
Part Town, Chennai 3.

4. The Divisional Railway Manager,
Chennai Division,
Southern Railway,
Chennai.

5. The Senior Divisional Personal Officer,
Chennai Division, Southern Railway,
Chennai.

+2cc to Mr.P.T.Ramkumar, Advocate, S.R.No. 50936

+1cc to Mr.Yogesh Kannadasan, Advocate, S.R.No. 50521

+1cc to the Special Government Pleader, S.R.No. 51230

W.P.No.34907 of 2016
and

W.M.P.No.30055 of 2016

NR(CO)
GN(20/08/2019)