

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2019

CORAM:

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

W.P.No.24023 of 2018

V.Jagadambal

... Petitioner

vs.

1. The Deputy General Manager,
Circle Office, Canara Bank,
HRM Section, Circle Office,
No.166, T.V.Swamy Road (W),
R.S.Puram, Coimbatore - 641 002.
2. The General Manager,
Canara Bank Head Office,
HR Wing, 3rd Floor,
112, Jayachamaraja Wodiyar Road,
Kumbaragundi, Sampangi Rama Nagar,
Bengaluru, Karnataka - 560 002.
3. The Assistant General Manager,
Canara Bank Head Office,
HR Wing, 3rd Floor,
112, Jayachamaraja Wodiyar Road,
Kumbaragundi, Sampangi Rama Nagar,
Bengaluru, Karnataka - 560 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in its No.CBECO HRM 2709/2014 SCS dated 26.11.2014 and the consequential order of the 3rd Respondent in its Ref.HRW:IRS:CBE-CF-183:LW:3356:2017, dated 15.07.2017 and quash the same and consequently direct the Respondents to pay the Petitioner her Pension, Gratuity, Earned Leave Encashment and Provident Fund Contribution and all other admissible terminal benefits along with interest from 01.07.2014.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.P.Armitharaj

O R D E R

(Order of the Court made by M.M.SUNDRESH,J.)

The Petitioner was an employee of the Respondents. After putting 30 years of service, she attained the age of superannuation on 30.06.2014. Thereafter, the Community Certificate furnished to her was found to be not correct and accordingly, it was cancelled by an order dated 06.11.2014 by the appropriate authority. Placing reliance upon the same, the Petitioner was terminated from service by an order dated 26.11.2014 passed by the Respondents.

2. In the meanwhile, the Petitioner challenged the Cancellation Order, which was set aside by this Court, by an order dated 23.03.2017 in W.P.No.9135 of 2015. Accordingly, the matter was remitted back for re-consideration. Now, the order of dismissal has been challenged before us on the ground that, inasmuch as the basis upon which it was passed, no longer exists. Therefore, the same is liable to be interfered with.

3. Though the objection raised is technical, we are inclined to agree with the learned counsel for the Petitioner. As of now, the Community Certificate of the Petitioner stands. In such view of the matter, the impugned order passed on 26.11.2014 will not stand the scrutiny process. However, there might arise a situation, in which, the Competent Authority might hold that the Petitioner's Certificate is not true. If that is the case, then the Petitioner will not be entitled to any benefit.

4. Therefore, considering the above, while setting aside the impugned order of termination dated 26.11.2014 passed by the 1st Respondent, we direct the Respondents herein to pay provisional pension to the Petitioner in accordance with law, till the conclusion of enquiry by the State Level Scrutiny Committee.

5. Considering the fact that the issue is pending for quite a number of years, and taking note of the order dated 23.03.2017 passed in W.P.No.9135 of 2015, directing the State Level Scrutiny Committee to follow the law laid down by the Supreme Court in Kumari Madhuri Patil vs. Additional Commissioner, Tribal Development and others, (1994) 6 SCC 241 and pass appropriate orders, we direct the State Level Scrutiny Committee to conclude the enquiry and pass appropriate orders on merits and in accordance with law, within a period of six months

from the date of receipt of a copy of this order. We make it clear that the Petitioner will have to co-operate for conclusion of the enquiry.

The Writ Petition is allowed with the above direction and observation. No costs. Consequently, connected W.M.P.No.27985 of 2018 is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

The Chairman,
State Level Scrutiny Committee and
the Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

+1cc to Mr.V.Vijay Shankar, Advocate Sr.92656
+1cc to Mr.P.Armittharaj, Advocate Sr.92082 [24/01/2020]

W.P.No.24023 of 2018

BS(CO)
srg 04/12/2019