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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

CORAM

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

W.P.No.2463 of 2017
and W.M.P.No.2459 of 2017

1.The Union of India
rep. by its General Manager,
Southern Railway,
Park Town,
Madras - 600 003.

2.The Senior Divisional Personnel Officer,
Madurai Division,
Southern Railway,
Madurai - 625 016.

... Petitioners

Vs.

1.The Registrar.
Central Administrative Tribunal,
Madras Bench,
High Court Premises,
Madras - 600 104.

2.A.R. Venkatachalam

3.The State Level Scrutiny committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

...Respondents

(R3 is suo motu impleaded as per order dated 21.04.2017 by KKSJ & MVMJ in W.P.No.2463 of 2017)

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorari calling for the entire records relating to the impugned order dated 19.07.2016 in O.A.310/00793/2016 passed by the 1st respondent and to quash the same.



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For Petitioner : Mr.P.T. Ramkumar

For Respondents: R1-Tribunal
Mr.Yogesh Kannadasan for R2
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 Madras Bench of Central Administrative Tribunal allowed the Original Application filed by the 2nd respondent and a direction was given to the petitioners to release the retiral benefits to him within a period of two months. The said order is under challenge at the instance of the Southern Railway.

2.The Management failed to release the terminal benefits on the ground that the very community status of the 2nd respondent has to be decided by the State Level Scrutiny Committee. It was the said order which was challenged before the Tribunal.

3.We are informed that the State Level Scrutiny Committee has passed an order dated 17 June 2019 holding that the 2nd respondent does not belong to Kammara Community which is notified as Scheduled Tribe Community.

4.The learned counsel for the 2nd respondent would submit that the 2nd respondent would be filing a Writ Petition challenging the order dated 17 June 2019 passed by the State Level Scrutiny Committee.

5.The petitioners have not released the retiral benefits to the 2nd respondent only on the ground of pendency of the proceedings before the State Level Scrutiny Committee. Since the Committee has taken decision against the 2nd respondent he has to await till a decision is taken in the Writ Petition to be filed by him challenging the order dated 17 June 2019.

6.The order passed by the Tribunal is set aside. We make it clear that the question of payment of retiral benefits would abide by the decision to be taken in the proceedings challenging the order dated 17 June 2019.



7.The Intra Court Appeal is disposed of as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Registrar.
Central Administrative Tribunal,
Madras Bench, High Court Premises,
Madras - 600 104.

2.The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.P.T.Ram kumar , Advocate SR.No.52617
+1cc to Mr.L.Chandra kumar, Advocate SR.No. 53389
+1 cc to Government Pleader Sr.No. 52860

W.P.No.2463 of 2017
and W.M.P.No.2459 of 2017

A.SK(14/08/2019)