

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition Nos.34327 and 34329 of 2018

L.Thirunavukkarasu
S/o.V.Lakshmanan

...Petitioner in W.P.No.34327/18

L.Kirubakaran
S/o.V.Lakshmanan

...Petitioner in W.P.No.34329/18

Vs

The Deputy Superintendent of Police,
Social Justice and Human Rights,
Thiruvallur.

... Respondent in both petitions

Writ Petitions filed under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing respondent to forbear from proceeding with any investigation into the veracity of the Community Certificates of the petitioner without proper sanction of law and without providing the documents sought for by the petitioner in relation to their Community Certificates.

For Petitioners: Ms.D.Geetha
for Ms.Nivedita Menon

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader

C O M M O N O R D E R

[Order was made by R.SUBBIAH, J]

Petitioners have filed the above Writ Petitions seeking issuance of a Writ of Mandamus directing respondent to forbear from proceeding with any investigation into the veracity of the

Community Certificates of the petitioner without proper sanction of law and without providing documents sought for by petitioners in relation to their Community Certificate.

2. Petitioners and their parents were repatriated to India in the year 1965. They were originally placed in a refugee camp in Gummidipoondi, Tamil Nadu. Thereafter, with the help of Government, they set up life and livelihood in Tamil Nadu. While so, in the year 1980, petitioners and their siblings were issued Community Certificate by the Government of Tamil Nadu, based on the procedures and executive orders prevailing then, relating to Burma repatriates, certifying that they belong to Hindu Kattu Naicken community, which is recognized as a Scheduled Tribe. Upon completion of studies, petitioners were permitted to join public service viz., Indian Airlines Limited, presently known as Air India Limited. Petitioners were given employment only after verifying their communal status. Petitioners have been working in the said organization diligently for the past three decades and were given regular promotion. While so, respondent directed petitioners to attend an enquiry on the veracity of their community Certificate. Petitioners went to the office of respondent, wherein they were issued with a proceeding directing them to produce certain documents. Since petitioners are not in possession of the said documents, they requested the respondent to provide copies of the same from their records and not to proceed with the enquiry further until production of documents sought for by them. However, respondent has not issued the documents and is proceeding with the enquiry. Hence, petitioners have filed the above Writ Petitions seeking the aforesaid relief.

3. Heard learned counsel for petitioners and learned Special Government Pleader for respondent as also perused the materials on record.

4. Learned Special Government Pleader appearing for respondents submits that the documents referred to are all related to various complaints received by petitioners' employer and these documents absolutely are not necessary for the enquiry. Petitioners will certainly be provided with documents which the Enquiry Committee is going to rely upon. The said submission is recorded.

5. Considering the facts of the case, this Court directs the respondent and the Enquiry Committee to complete the enquiry and pass orders on merits and in accordance with law within a period of two months from the date of receipt of this order.

These Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

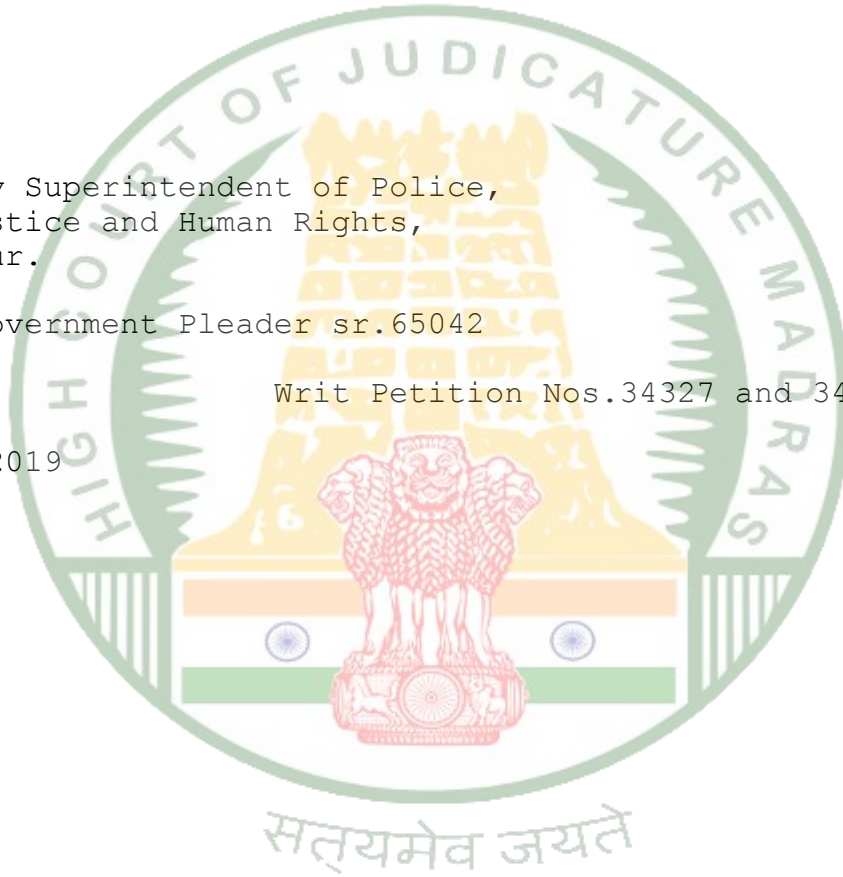
To

The Deputy Superintendent of Police,
Social Justice and Human Rights,
Thiruvallur.

+1cc to Government Pleader sr.65042

Writ Petition Nos.34327 and 34329 of 2018

nr 18/09/2019



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