



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on
12.03.2019Delivered on
12.04.2019

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THE HONOURABLE MR. JUSTICE R. MAHADEVAN**W.P. (MD) No. 3106 of 2019**

B. Ravindran

... Petitioner

Vs

1. The General Manager (Personnel)
United India Insurance Company Limited
(Head Office)
24, Whites Road, Chennai-600 014.

2. The Chief Regional Manager,
United India Insurance Company Limited
(Regional Office)
7A, West Veli Street, Madurai-1.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to sanction Pension including Commutation, Gratuity, Earned Leave Encashment, GSLI and Welfare Society to the petitioner along with interest at 12% from 01.06.2017.

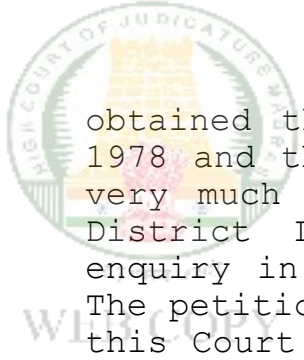
For Petitioner : Mr. V. Vijayashankar

For Respondents : Mr. G. Prabhu Rajadurai

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to sanction Pension including Commutation, Gratuity, Earned Leave Encashment, GSLI and Welfare Society, to the petitioner along with interest at 12% per annum, from 01.06.2017.

2. It is stated by the petitioner that he belongs to Scheduled Tribe Community; that he was appointed in the year 1983 under the respondents as Inspector. Thereafter, the post was subsequently completed 34 years of service in that capacity, the petitioner attained superannuation on 31.05.2017. The petitioner states that he



obtained the Community Certificate from the Tahsildar, Madurai in 1978 and the said certificate has not been cancelled so far and is very much valid and subsisting. In the year 2003, the two-Member District Level Scrutiny Committee summoned the petitioner for enquiry in respect of the Community Certificate of the petitioner. The petitioner challenged the same on the ground of jurisdiction and this Court allowed the said writ petition and thereafter, the State Level Scrutiny Committee, which is the competent body to summon the petitioner, had not summoned the petitioner. The petitioner states that the pension and other terminal benefits have not been sanctioned to the petitioner on the ground that his Community Certificate has not been verified by the State Level Scrutiny Committee. Since no action has been taken by the authorities on the representations submitted by the petitioner in this connection, the petitioner has come up with the present writ petition with the prayer as already stated supra.

3.The learned counsel for the petitioner submits that as per the Rules and Regulations governing the employee working in the respondent Organisation, an employee, on attaining the age of superannuation, the payment of pension and other terminal benefits such as Gratuity, EL encashment, etc. are automatic and there is no power vested with the respondents to withhold or retain those terminal benefits. It is also submitted that the respondents have issued a Circular in the year 2014, as per which it is mandatory on their part to release these benefits to the employee, immediately on attaining superannuation. Only in case of pending criminal case or departmental proceedings whereupon the employee has been found guilty, the respondents can withhold the benefits. But since these two contingencies are not existing in the present case, the respondents have no power or jurisdiction to withhold such terminal benefits.

4.It is further stated by the learned counsel for the petitioner that pension is not a bounty or a reward, but a fair compensation to the employee for his long years of service. The petitioner has rendered 34 years of unblemished service in the respondent Organisation and hence the payment of pension and other benefits, which has been earned by him in view of his long service, cannot be denied or withheld, without any authority of law and withholding of the said terminal benefits violate Articles 14 and 16 of the Constitution of India. It is emphatically submitted that since the Community Certificate of the petitioner has not been cancelled by the competent authority, ie., the State Level Scrutiny Committee, in the manner known to law, the contents of the said Certificate have to be accepted as true and genuine. The learned counsel for the petitioner further states that the petitioner is suffering for want of financial assistance, after having rendered 34 years of dedicated service under the respondent Organisation. Finally, it is submitted by the learned counsel for the petitioner that there is absolutely no justification on the part of the respondent Organisation, to withhold such benefits.



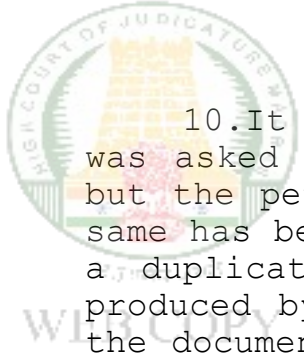
5.The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in the case of State of Jharkhand v. Jitendra Kumar Srivastava, reported in AIR 2013 SC 3383 to state that the grant of pension does not depend upon an order being passed by the authorities to that effect; the right to receive pension flows to an officer not because of the said order by the authorities, but by virtue of the Rules, which clearly recognises the right of persons to receive pension under the circumstances mentioned therein. Pointing out to this judgment, the learned counsel has submitted that pension is not a bounty payable on the sweet will and pleasure of the Government, but the right to pension is a valuable right vesting in a Government servant.

6.The learned counsel for the petitioner relied upon the order passed by a Division Bench of this Court in W.P.No.5918 of 2016 dated 18.02.2016, and submitted that mere reference to the pendency of verification of the Community Certificate before the State Level Scrutiny Committee is not a ground to deny terminal benefits to the employee. He also relied upon the order passed by a learned single Judge of this Court in W.P.(MD)No.12659 of 2016 dated 01.12.2016, and submitted that the conduct of the authorities in keeping the enquiry pending for decades together and continuing the same even after the superannuation, cannot be justified especially in the light of the decision of the Hon'ble Supreme Court in Ajay Kumar Choudhary v. Union of India reported in (2015) 7 SCC 291. He also relied upon the Division Bench Order of this Court in W.P.Nos.18210 of 2001 and 33236 of 2017 dated 22.12.2017, and submitted that the verification of the genuineness of the Community Certificate by a Two-Member Committee, cannot be sustained.

7.The learned counsel for the petitioner has also relied upon various judgments of this Court in support of his contentions.

8.When this writ petition came up before this Court on 05.03.2019, Mr.G.Prabhu Rajadurai, learned counsel, took notice for the respondents and thereafter, a counter affidavit has been filed on behalf of the respondents.

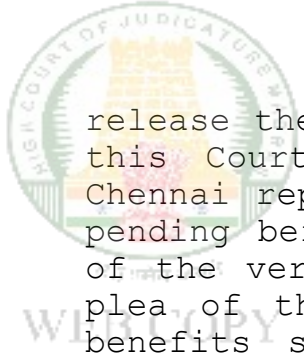
9.In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner does not belong to Scheduled Tribe Community; the petitioner mislead the respondents by producing a false Community Certificate issued by the Tahsildar, Madurai that he belong to Konda Reddy Community; on such misrepresentation, the petitioner was appointed as Inspector in the year 1983 and he reached the age of superannuation on 31.05.2017 as Development Officer (Administration). Upon periodical complaints received by the respondents, the respondents came to understand that the petitioner obtained the certificate by misrepresentation and that the Tahsildar, Madurai North had no such authority to issue a certificate regarding the community status of a Scheduled Tribe.



10. It is stated in the counter affidavit that the petitioner was asked by a series of communications to produce his SSLC Book, but the petitioner had not produced the SSLC Book stating that the same has been lost. Thereafter, the respondents requested to produce a duplicate copy of the SSLC Book, but the same was also not produced by the petitioner. Since the petitioner evaded submitting the documents, the respondents referred the matter on 25.07.1994 to the Revenue Divisional Officer (ADW), Madurai to conduct enquiry and a report was submitted by the Revenue Divisional Officer to the District Collector, Madurai stating that the Community Certificate produced by the petitioner at the time of his appointment was not issued by conducting enquiry. The Revenue Divisional Officer recommended for cancellation of the certificate by communication dated 13.02.1995 and consequently, the District Collector issued summons on 06.03.1995 calling upon the petitioner to submit his explanation.

11. It is stated that from the report of the Revenue Divisional Officer, the blood brother of the father of the petitioner was a prominent politician in Madurai and all his children were issued with community certificate as if they belonged to Hindu Reddy Gajan (BC). The petitioner evaded appearing on all the summons of the District Collector's office. Finally on 11.09.2003, the petitioner questioned the jurisdiction of the Revenue Divisional Officer and thereafter filed a writ petition before this Court in W.P.No.29543 of 2003 and obtained an order of injunction as against the District Collector. Thereafter, in the year 2006, the District Level Scrutiny Committee called upon the petitioner to attend enquiry to prove his communal status, but the petitioner evaded those summons and till today, he is not able to bring a certificate from the Competent Authority in support of his claim that he belongs to Scheduled Tribe Community. It is stated in the counter that unless and until the petitioner produces the Community Certificate from the Competent Authority, his appointment itself is void and he is liable to reimburse all the benefits and wages which he received from the respondent Organisation. It is stated that the petitioner evaded enquiries on one pretext or the other by ignoring the summons issued by the authorities concerned. It is also stated that the petitioner deliberately avoided to implead the State Level Scrutiny Committee and the Revenue Divisional Officer, Madurai in this writ petition; that the petitioner has not come to this Court with clean hands and he is trying to take advantage of the delay in official machinery and for such act of the petitioner, he is not entitled to any discretionary relief from this Court.

12. The learned counsel for the respondents relied upon the judgment passed by this Court in N.Balu v. The Chairman, State Bank of India, Mumbai & Others, reported in 2014 Writ L.R. 824, to state that unless and until the issue relating to the Community Certificate is decided, the terminal benefits of the incumbents need not be part with by the employer and till the issue is decided by the State Level Committee, there is no need for the employer to



release the terminal benefits. He also relied upon the judgment of this Court in T.Soundararajan v. Chairman, Chennai Port Trust, Chennai reported in (2015) 4 MLJ 129 to state that once enquiry is pending before the competent authority as regards the verification of the veracity and genuineness of the Community Certificate, the plea of the incumbents that after completing service, retirement benefits should be given to them, cannot be accepted. In that connection, he also relied upon the decision of this Court in S.Ulaganathan vs. State of Tamil Nadu, in W.P.No.15666 of 2014 dated 20.03.2017. He further relied upon the Order of this Court in R.Prabhuraj v. The Reserve Bank of India in W.P.No.32407 of 2018 dated 18.07.2018 to state that issuance of Community Certificate to and in favour of the incumbent cannot either be a matter of routine or an automatic exercise when some cloud is cast on the certificate issued in favour of the incumbent.

13.Heard the learned counsel on either side and perused the materials available on record carefully and meticulously.

14.According to the petitioner, he belongs to Scheduled Tribe Community and that having completed 34 years of service in the capacity of Development Officer (Administration), he attained superannuation on 31.05.2017. But his pension and other benefits were withheld on the ground that the Community Certificate has not been verified by the State Level Scrutiny Committee and that the Community Certificate which was produced by the petitioner at the time of joining in the respondent Organisation, was obtained by misrepresentation and that the Tahsildar, Madurai North, who issued the certificate, had no such authority to issue such certificate regarding the community status of a Scheduled Tribe. But, according to the petitioner, the Community Certificate produced by him has not been cancelled so far and is very much valid and subsisting.

15.It seems that in the year 2003, the two-Member District Level Scrutiny Committee summoned the petitioner for enquiry in respect of the Community Certificate of the petitioner; the petitioner challenged the same on the ground of jurisdiction and this Court allowed the said writ petition. It is also seen that before the State Level Scrutiny Committee, which is the competent body to deal such matters, the petitioner had not appeared.

16.Thus, it is the stand of the petitioner that his community certificate is valid since it has not been cancelled by the authorities; that as per the Rules and Regulations governing the employee working in the respondent Organisation, an employee, on attaining the age of superannuation, the payment of pension and other terminal benefits such as Gratuity, EL encashment, etc.are automatic and there is no power vested with the respondents to withhold or retain those terminal benefits; that only in case of pending criminal case or departmental proceedings whereupon the employee has been found guilty, the respondents can withhold the benefits; that pension is not a bounty or a reward, but a fair



compensation to the employee for his long years of service and denying him the said benefits without any authority of law violates Articles 14 and 16 of the Constitution of India. Various judgments have been relied upon by the learned counsel for the petitioner in support of his contentions.

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17. According to the respondents, the petitioner does not belong to Scheduled Tribe Community; the petitioner misled the respondents by producing a false Community Certificate issued by the Tahsildar, Madurai that he belong to Konda Reddy Community; that the petitioner was asked to produce his SSLC Book repeatedly, but he had not done do, stating that the SSLC Book has been lost. Thereafter, the respondents requested to produce a duplicate copy of the SSLC Book, but the same was also not produced by the petitioner. According to the respondents, they referred the matter to the Revenue Divisional Officer (ADW), Madurai to conduct enquiry and a report was submitted by the Revenue Divisional Officer to the District Collector, Madurai stating that the Community Certificate produced by the petitioner at the time of his appointment was not issued by conducting proper enquiry. The Revenue Divisional Officer recommended for cancellation of the certificate by communication dated 13.02.1995 and consequently, the District Collector issued summons on 06.03.1995 calling upon the petitioner to submit his explanation. The report of the Revenue Divisional Officer states that the blood brother of the father of the petitioner was a prominent politician in Madurai and all his children were issued with community certificate as if they belonged to Hindu Reddy Gajan (BC). Thereafter, the petitioner evaded appearing on all the summons of the District Collector's office. Finally on 11.09.2003, the petitioner questioned the jurisdiction of the Revenue Divisional Officer and thereafter filed a writ petition before this Court in W.P.No.29543 of 2003 and obtained an order of injunction as against the District Collector. Thereafter, in the year 2006, the District Level Scrutiny Committee called upon the petitioner to attend enquiry to prove his communal status, but the petitioner evaded those summons and till today, he is not able to bring a certificate from the Competent Authority in support of his claim that he belongs to Scheduled Tribe Community. It is stated in the counter that unless and until the petitioner produces the Community Certificate from the Competent Authority, his appointment itself is void and he is liable to reimburse all the benefits and wages which he received from the respondent Organisation.

18. In the judgments relied upon by the learned counsel for the petitioner, it is only stated that the matter cannot be kept prolonged for a long time and hence the incumbent shall be reimbursed the pension and other benefits, and the Committee shall finalise the matter within a stipulated time and thereafter based upon the outcome, the matter shall be decided in accordance with law. But in the present case, in one way or the other, the petitioner had adopted evading tactics, without producing the required documents / information to the authorities.



19. According to the petitioner, Community Certificate of the petitioner has not been cancelled by the competent authority, ie., the State Level Scrutiny Committee, in the manner known to law, and hence the contents of the said Certificate have to be accepted as true and genuine. But in the judgments relied upon by the learned counsel for the respondents, more particularly, the decision made by a Division Bench of this Court in W.P.No.32407 of 2018 dated 18.07.2018, it has been categorically held that issuance of Community Certificate to and in favour of the incumbent cannot be a matter of routine or an automatic exercise when some cloud is cast on the certificate issued in favour of the incumbent. It has also been held that if a Community Certificate in favour of a person is issued on a wrong premise and in an incorrect manner, then it will be a negation of the right vested in some other individual, who is entitled to claim such Privileges / Benefits, under the Constitution of India and other laws quite applicable thereto, pertaining to the aspect of providing an equal opportunity in Public Employment and in Educational Institutions and in areas where the 'Policy of Reservation' is pressed into service. Hence, it is of primordial importance that the 'Concerned Authority' is to act with utmost care, caution and circumspection while issuing Community Certificate in favour of the concerned person, considering the fact that the said person stakes a claim for issuance of Community Certificate to the effect that he belongs to SC and ST Community.

20. Thus, it is apparently clear that the aspect of providing an equal opportunity in Public Employment and in Educational Institutions and in areas where the 'Policy of Reservation', gets very much disturbed in view of the false claim made by persons like that of the petitioner herein. The relevant paragraphs of the Order made in W.P.No.32407 of 2018 dated 18.07.2018 are extracted hereunder:

"31. At this stage, this Court worth recalls and recollects the decision of the Hon'ble Supreme Court in **Kumari Madhuri Patil and Another vs. Addl. Commissioner, Tribal Development and Others (1994) 6 Supreme Court Cases 241, at Special pages 255 and 256, wherein at Paragraph Nos. (5) to (9),** it is observed as follows:

"13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of



the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of



Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through



counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

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7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant."

32. It is to be remembered that an issuance of Community Certificate to and in favour of the Petitioner cannot either be a matter of routine or an automatic exercise when some cloud is cast on the Certificate issued in favour of the Petitioner. It is needless for this Court to make a pertinent mention that if a Community Certificate in favour of a person is issued on a wrong premise and in an incorrect manner, then it will be a negation of the right vested in some other individual, who is entitled to claim such Privileges/Benefits, under the Constitution of India and other Laws quite applicable thereto, pertaining to the aspect of providing an equal opportunity in Public Employment and in Educational Institutions and in areas where the 'Policy of Reservation' is pressed into service. Hence, it is of primordial importance that the 'Concerned Authority' is to act with utmost care, caution and circumspection while issuing a 'Community Certificate' in favour of the concerned person, considering the fact that

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but a person stakes a claim for issuance of Community Certificate to the effect that he belongs to SC and ST Community.



33. In view of the aforesaid discussions and considering the surrounding facts and circumstances of the present case, this Court deems it fit and proper in directing the Second Respondent/State Level Scrutiny Committee, to verify the Community Certificate of the Petitioner, by scrupulously adhering to the necessary procedures and formalities also by providing an 'opportunity of Hearing' to the Petitioner and to pass appropriate reasoned speaking orders, within a period of eight weeks from the date of receipt of copy of this Order. Within the time adumbrated by this Court, the Deputy Superintendent of Police, Social Justice and Human Rights Wing, District Police Office, Kancheepuram District, is directed to conduct an 'Enquiry' and to submit his complete and comprehensive Report to the Second Respondent/Chairman of State Level Scrutiny Committee, who in turn, after receipt of the said Report, shall pass necessary orders. Before parting with the case, this Court directs the Petitioner to take part in the enquiry proceedings before the authority concerned and he is to extend his unstinted co-operation and assistance in an effective and efficacious manner, so as to enable the authorities to do the needful in the subject matter in issue."

21. In the present case, it is seen that even after the Revenue Divisional Officer recommended cancellation of the community certificate by communication dated 13.02.1995 and consequently, the District Collector also issued summons on 06.03.1995 calling upon the petitioner to submit his explanation, the petitioner evaded appearing on all the summons of the District Collector's office. Even as per the report of the Revenue Divisional Officer, the blood brother of the father of the petitioner was a prominent politician in Madurai and all his children were issued with community certificate as if they belonged to Hindu Reddy Gajan (BC). Even though the petitioner was able to obtain an injunction from this Court in respect of the point of jurisdiction of the Revenue Divisional Officer, in a writ petition filed before this Court in W.P.No.29543 of 2003, thereafter he evaded the summons issued by the District Level Scrutiny Committee in the year 2006 to attend enquiry to prove his communal status. Till today, he is not able to bring a certificate from the Competent Authority in support of his claim that he belongs to Scheduled Tribe Community. A mere perusal of the typed-set of papers enclosed along with the Writ Petition would go to show that the petitioner has not even produced a single piece of evidence to prove his communal status, such as, S.S.L.C. Book copy, etc. Furthermore, the learned counsel for the respondents produced the files, on perusal of which, it is apparent that the petitioner did not appear before the authorities concerned, despite summons issued. This shows the attitude on the part of the petitioner.

22. In similar circumstances, a Division Bench of this Court, in



the case of **S.Ulaganathan v. State of Tamil Nadu and Others**, reported in **MANU/TN/0987/2017**, ordered the State Level Scrutiny Committee to complete the enquiry and submit its report to the authorities by giving fair opportunity to the incumbent within a stipulated time frame. A direction was also given that on receipt of the status report of the incumbent's community certificate from the Committee, the authorities have to pass appropriate orders for disbursing the terminal benefits, within a stipulated time frame.

23.It is also appropriate to refer to yet another Division Bench judgment of this Court in the case of **T.Prabakaran v. The Chairman, State Level Scrutiny Committee and Secretary to Government**, reported in **MANU/TN/1268/2017**. In that case, it has been categorically held by this Court that as regards the question as to whether a particular person belongs to the reserved community, truth has to be found out, so as to enable him to claim the benefits attached to such status. It has been specifically held that the Courts have got a duty to see that only eligible people are given "Scheduled Tribe" Community certificates, since the benefits earmarked by the Constitution to the Scheduled Tribes should go to the deserving members of the community. Finally, a direction has been given to the State Level Scrutiny Committee to consider the matter afresh and take a decision on merits as per law, within a stipulated time frame.

24.In **R.Agilandamurthy v. Tamil Nadu State Level Scrutiny Committee and Others**, reported in **MANU/TN/0107/2018**, under similar circumstances, a Division Bench of this Court, after considering the facts and circumstances of the case in detail, held that for disbursement of the terminal benefits of the incumbent who has attained the age of superannuation, during the pendency of the writ petition therein, he has to await the ultimate outcome of the verification of the community status by the State Level Scrutiny Committee.

25.Thus, in all the above judgments, it has been categorically held that the issue as to whether the terminal benefits can be released to the incumbent, is dependent upon the ultimate outcome of the verification of the community certificate by the State Level Scrutiny Committee.

26.In the present case, the petitioner has misrepresented the authorities for obtaining such false Community Certificate and thereafter, did not cooperate for various enquiries by the authorities. One way or the other, he succeeded in not appearing before the authorities, till his retirement, which shows his attitude. Even now, he is not prepared to appear before the authorities to get the things done, by proving the genuineness of the Community Certificate so obtained by the petitioner. This type of attitude on the part of the petitioner, cannot be countenanced.

27.In view of the above stated circumstances and also



considering the principles enunciated in the above judgments of this Court, the prayer of the petitioner to direct the respondents to sanction Pension including Commutation, Gratuity, Earned Leave Encashment, GSLI and Welfare Society to the petitioner along with interest at 12% per annum from 01.06.2017, cannot be entertained and accordingly the writ petition stands dismissed. No costs. It is open to the petitioner to take part in the enquiry proceedings before the competent authority in the State Level Scrutiny Committee and extend his unstinted co-operation and assistance in an effective and efficacious manner, so as to enable the authorities to decide the veracity of the community certificate of the petitioner and thereafter approach the respondents for appropriate relief, in the subject matter in issue. It is needless to state that the petitioner has to await the ultimate outcome of the verification of his community status by the State Level Scrutiny Committee for deciding the issue as to the disbursement of the terminal benefits by the respondents.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The General Manager (Personnel)
United India Insurance Company Limited
(Head Office)
24, Whites Road, Chennai-600 014.
- 2.The Chief Regional Manager,
United India Insurance Company Limited
(Regional Office)
7A, West Veli Street, Madurai-1.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate in SR-60667

+1 CC to M/s.V.KARTHIKEYAN, Advocate in SR-61104

W.P. (MD) No.3106 of 2019
12.04.2019

KM

PK/25.04.2019 : 13P/5C