



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

AND

THE HONOURABLE MR.JUSTICE **C.SARAVANAN**

W.P. (MD)No.5792 of 2020

and

W.M.P. (MD)No.5064 of 2020

M.Murugan

: Petitioner

Vs.

1.The General Manager (Establishment),
Bharat Sanchar Nigam Limited,
Corporate Office,
Janapath, New Delhi - 110 001.

2.The Chief General Manager,
Bharat Sanchar Nigam Limited,
Tamil Nadu Circle,
No.16, BSNL Teleshoppe,
Greens Road,
Thousand Lights, Chennai - 600 002.

3.The Principal General Manager,
Bharat Sanchar Nigam Limited,
No.2, V.P.Rathinasamy Nadar Road,
Bibikulam, Madurai - 625 002.

4.The Director,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.

5.The Chairman,
State Level Scrutiny Committee,
Additional Secretary to Government,
Adi-Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai - 600 009.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the fifth respondent to complete the enquiry process pending in respect of the petitioner's Community Certificate verification within a period of two months as per G.O.Ms.No.106, Adi-Dravidiar and Tribal Welfare (CV-1) Department, dated 15.10.2012.



For Petitioner

: Mrs.P.Kalaiyarasi Bharathi

For R1 to R4

: Mr.V.R.Shanmugamathan
Special Government Pleader

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed to direct the fifth respondent to complete the petitioner's community certificate verification within a period of two months as per G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CV1) Department, dated 15.10.2012.

2.The petitioner states that he belongs to Hindu Malaivedan, which according to him is a Scheduled Tribe community. The petitioner was appointed as Telegraphman (Test Category) in the erstwhile Indian Posts and Telegraphs Department, Madurai, on 29.06.1983. The petitioner was selected and appointed in the cadre of Telegraph Assistant in 1989. He was subsequently promoted and the establishment became BSNL. After serving for a long time, the petitioner opted for VRS, as per VRS scheme introduced by M/s.BSNL. Though the petitioner was allowed to retire provisionally from 31.01.2020, the third respondent reserved that the retirement benefits, like, DCRG, Commuted Value of Pension and other benefits are withheld till the outcome of the community certificate verification by the State Level Scrutiny as per the existing procedure. It is in the said circumstances, the petitioner has approached this Court, as State Level Scrutiny Committee has not finalised the verification.

3.The petitioner even after retirement is unable to get the retirement benefits because the process of verification, as to the community status of the petitioner is pending before the fifth respondent. The petitioner states that the delay in settlement of retirement benefits is due to the delay caused in forwarding the community certificate verification. Having regard to the facts and circumstances of the case, this Court is inclined to issue the following directions.

3.1.The fifth respondent is directed to complete the enquiry proceedings pending for verification of the petitioner's community certificate within a period of three months from the date of receipt of a copy of this order. In case no enquiry is pending before the fifth respondent or the fifth respondent confirm the community certificate, the petitioner is entitled to approach the third respondent for disbursement of retirement benefits without reference to any further enquiry. On such representation being sent by the petitioner, the third respondent is directed to disburse the retirement benefits to the petitioner forthwith.



4.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1.The Director,
Adi-Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The Chairman,
State Level Scrutiny Committee,
Additional Secretary to Government,
Adi-Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai - 600 009.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate (SR-12660[F] dated 20/03/2020)

+1 CC to M/s.SPL.GP (SR-12842[F] dated 23/03/2020)

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AP(04/06/2020) 3P 5C