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W.P.No.2577 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.2577 of 2019

1.The Board of Trustees of
Chennai Port Trust represented
by its Chairman,
Rajaji Salai, Chennai.

2.The Secretary,
Chennai Port Trust,
Rajaji Salai, Chennai.

.. Petitioners

Vs.

1.The State Level Scrutiny Committee /
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

2.C.Govindaraju,
Executive Engineer (retd.),
Civil Engineering Department,
Chennai Port Trust,
S/o. Shri Chinnaraju,
319-F, Pilkington Road,
Ayyanavaram,
Chennai – 600 023.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of



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India, praying for issuance of a Writ of Mandamus, directing the 1st Respondent / State Level Scrutiny Committee herein, to complete the enquiry within the time stipulated by this Court with regard to the status of the 2nd Respondent herein based upon the representation of the Petitioner in SCT2/2548/06/GA dated 03.04.2018.

For Petitioners : Mr.R.Karthikeyan

For R1 : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioners have come out with the present Writ Petition for a direction to the 1st respondent to complete the enquiry within the time stipulated by this Court with regard to the status of the 2nd respondent herein based upon the representation of the petitioner in SCT2/2548/06/GA dated 03.04.2018.

2.Heard the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for 1st respondent and perused the entire materials on record.



3. According to petitioners, the 2nd respondent was appointed as an Assistant Engineer on 09.12.1987 in the vacancy reserved for Scheduled Tribe (ST) Community. The 2nd respondent has produced community certificate showing that he belongs to 'Kurumans' community, which is classified as Scheduled Tribe Community, issued by the Tahsildar, Dharmapuri. The said community certificate was sent for verification to the District Collector, Dharmapuri. The District Collector, Dharmapuri by the order dated 19.09.1990 cancelled the said community certificate issued to the 2nd respondent. Based on the order passed by the District Collector cancelling the community certificate, the 2nd respondent was terminated from the service from 06.11.1990. Challenging the same, the 2nd respondent filed W.P.No.17556 of 1990 before this Court. This Court by the order dated 04.10.1993 set aside the order of the District Collector and gave liberty to take further action on the verification status of the 2nd respondent. Again the community certificate of the 2nd respondent was verified by the District Collector, Dharmapuri and cancelled by the order dated 29.01.1999. Challenging the said order dated 29.01.1999, the 2nd respondent again filed W.P.No.2409 of 1999 before this Court. This Court by the order dated 18.12.2005, set aside the order dated 29.01.1999 and remitted the matter to the District Level Committee, who is the competent



forum for further consideration. The petitioner by the letters dated 20.07.2007, 26.09.2007, 02.11.2010, 03.01.2011, 28.02.2011 and 29.04.2011 addressed to the District Collector for early verification of the community status of the 2nd respondent. Till 2017, the District Collector, Dharmapuri has not passed any order. The petitioners on coming to know that the 1st respondent herein is the Competent Committee to cancel the Community Certificate, has addressed letters to the 1st respondent on 15.11.2017, 21.11.2017, 12.01.2018, 27.02.2018, 17.03.2018 and 03.04.2018 for early verification of the community status of the 2nd respondent. The 2nd respondent has resigned from office in the year 2006 and his terminal benefits have been withheld by the petitioners pending verification of the 1st respondent. In spite of various representations sent by the petitioners to the 1st respondent, the 1st respondent has not passed any order with regard to community status of the 2nd respondent. In view of the same, the petitioners have come out with the present Writ Petition.

4.Mr.A.Selvendran, learned Special Government Pleader appearing for the 1st respondent submitted that the 1st respondent will get details from the District Collector, Dharmapuri with regard to community certificate issued to the 2nd respondent and decide the matter after hearing



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the 2nd respondent.

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5.Considering the above submissions of the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the 1st respondent, the 1st respondent is directed to conduct an enquiry after issuing notice to the 2nd respondent with regard to status of the community certificate of the 2nd respondent and consider the representation of the petitioners dated 03.04.2018 and pass orders as expeditiously as possible in any event, within six months from the date of receipt of a copy of this order.

6.With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
22.12.2022

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Index : Yes / No
Internet : Yes / No

V.M.VELUMANI, J.



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and

R.HEMALATHA, J.

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To

The State Level Scrutiny Committee /
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

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