



W.P.No.20691 of 2014

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N.SATHISH KUMAR, J.

The Writ Petition listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. Today when the matter is taken up, the learned counsel appearing for the petitioner would submit that in the order dated 29.11.2022 made in W.P.No.20691 of 2014, in paragraph 8 of the order it is typed as “ As such, this Court is of the view that, the terminal benefits of the deceased M.Karunanidhi, already deposited by the bank”” instead of “ **As such, this Court is of the view that, the service/terminal benefits including pension, Commutation and Gratuity and the money already deposited in the bank of the deceased M.Karunanidhi.**” and hence, the same may be rectified and changed in the order.

3. Therefore, the Registry is directed to carry out the correction in the paragraph 8 line 16 of the order as “ **As such, this Court is of the view that,**



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**the service/terminal benefits including pension, Commutation and Gratuity
and the money already deposited in the bank of the deceased
M.Karunanidhi shall... ” and issue fresh order copy to the petitioner.**

05.01.2023.

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

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M.Karunanidhi (died)

1. K.Senbagaram

2. K.Dhaya Sagar

(Petitioners 1 and 2 are substituted,
vide order of this Court dated 29.11.2022
made in WMP No.31665/2016)

... Petitioner

Vs.

1. Syndicate Bank,

Rep. by its General Manager,
Regional Office, 69, Armenian Street,
first floor, Chennai 600 001.

2. The General Manager, Syndicate Bank,

Personnel Department, Head Office,
Manipal 576 104.

3. State Level Scrutiny Committee,

Rep. by its Chairman,
Adi Dravidar and Tribal and Welfare Department
Secretariat, Chennai 600 009.

4. The District Collector,

North Arcot District, Vellore.

5. The Revenue Divisional Officer,

North Arcot, Vellore

... Respondents



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Prayer: Writ Petition filed under Article 227 of Constitution of India seeking to issue a Writ of Mandamus, directing the first and second respondents to forthwith release all the petitioner-s service/terminal benefits including pension, Commutation and Gratuity together with compensation for wrongfully withholding the same from the date of such entitlement till the date of release of such benefits.

For Petitioner : Mr.Parthasarathy and Rahul Balaji

For Respondents : Mr.P.Raghunathan
for M/s T.S.Gopalan and Co.
for R1 and R2.

Mr.M.Muthusamy, Govt. Adv. for R3
Mr.P.Sathish, Addl.Govt.Pleader
for R4 and R5

ORDER

This Writ petition has been filed praying to issue a Writ of Mandamus, directing the first and second respondents to forthwith release all the petitioner-s service/terminal benefits including pension, Commutation and Gratuity together with compensation for wrongfully withholding the same from the date of such entitlement till the date of release of such benefits.



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2. Originally, Mr.M.Karunanidhi filed the writ petition. Pending writ petition, the petitioner died on 23.05.2015 and his wife predeceased him. The two sons of the petitioner namely K.Senbagaram and K.Dhaya Sagar are the only legal heirs of the petitioner and hence, they are substituted as petitioners 1 and 2, as per the order of this Court in WMP No.31665/2016 dated 29.11.2022. However, for the sake of convenience, the original petitioner is referred to as the petitioner in this case.

3. The case of the petitioner in brief:

The petitioner belongs to Kattunayakkan Community, which is classified as Scheduled Tribe Community. The petitioner joined as Clerk in the office of the first respondent bank on 18.12.1975 and at that time, he submitted original Community Certificate issued by the Tahsildar, Vellore dated 22.08.1973, and attested copy of Transfer Certificate to the bank. Subsequently, he was given promotion as Officer in Junior Management, under quota reserved for ST Community with effect from 16.06.1983.

3.1. While that being so, the first respondent asked the petitioner to submit original community certificate, vide letter dated 13.11.1990. Though



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the petitioner sent several reply stating that he had already submitted the original community certificate at the time of joining duty, they continued to ask the petitioner to produce original community certificate. In the meanwhile, the first respondent bank had approached the District Collector, North Arcot, Vellore, for verification of the petitioner-s community and got the report that the petitioner is not belongs to Kattunaicken community. The first respondent also initiated disciplinary proceedings against the petitioner. The petitioner filed W.P.12961/1999 to quash the verification report of the fourth respondent and also forbearing the first respondent from proceeding with disciplinary proceedings against the petitioner. The above writ petition was allowed and the verification report of the fourth respondent was quashed and consequently, the disciplinary proceedings initiated by the bank against the petitioner was also quashed by order dated 18.04.2005.

3.2. The petitioner was suffering from chronic obstructive pulmonary disease, emphysema and hypertension and hence he made an application seeking voluntary retirement before the Bank, and it was rejected vide order dated 06.06.2005. Hence, the petitioner filed W.P.10057/2007, to quash the



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above rejection order. Pending writ petition, a State Level Scrutiny Committee was constituted to verify the community certificate of the petitioner. In the meanwhile, the petitioner attained the age of superannuation and he was relieved from service by the first respondent on 31.07.2012 in the normal course. However, they refused to release terminal benefits to the petitioner, pending out come of scrutiny proceedings.

3.3. In the above writ petition in W.P.10057/2007, this Court vide order dated 25.04.2013, has directed the Scrutiny Committee to render its decision within a period of six months and also directed the bank to deposit the terminal benefits of the petitioner in an interest bearing deposit, till the State Level Committee gives its decision on the genuineness of the community certificate issued to the petitioner. However, till now, the Scrutiny Committee has not taken any decision on the petitioner-s caste verification and the first respondent has not released his terminal benefits. Hence the writ petition.

4. The contentions of the counter affidavit filed by the third respondent, briefly as follows.



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The State Level Scrutiny Committee has requested the petitioner to appear for enquiry on 18.08.2014. On that day, the petitioner did not come, however, his wife Mrs.V.Thilaga appeared in person and stated that her husband is bed ridden at hospital due to severe illness and she produced documents. The Committee examined the documents and decided to obtain spot enquiry report of the Anthropologist/Member-State level Scrutiny Committee. Based on the above decision, the Government has requested the Anthropologist to conduct a spot enquiry and submit the report to the Government immediately. On such report being received and after personal hearing of the petitioner, the matter will be decided by the Scrutiny Committee.

5. The learned counsel for the petitioner submitted that the State Level Scrutiny Committee decided to take decision on the matter, after receipt of report from the Anthropologist and after personal enquiry of the petitioner. He further submitted that, since the petitioner died pending enquiry, the proceedings become abated and hence, personal enquiry of the petitioner does not arise. Therefore, the legal heirs of the deceased M.Karunanidhi, viz., the petitioners 1 and 2 are entitled to get the terminal



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benefits of their deceased father Mr.Karunanidhi.

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6. The learned counsel for the first respondent submitted that, unless and until report is received from the Scrutiny Committee , it is not possible for them to release the terminal benefits of the deceased petitioner.

7. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents. I have perused the materials on record.

8. A perusal of the records shows that, this Court vide order dated 25.04.2013 in W.P.No.10057 of 2007, has directed the State Level Scrutiny Committee to decide genuineness of the Community Certificate produced by the petitioner, within six months. It is the contention of the third respondent, on the date of filing counter affidavit dated 11.11.2014 that, the State Level Scrutiny Committee has directed the Anthropologist to conduct enquiry and to file report immediately. Further more, it is not the contention of the third respondent that the documents are not genuine. The Scrutiny Committee has not completed the enquiry and given findings



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within the stipulated time, as directed by this Court, that too even before the death of the petitioner. In such circumstances, it cannot be concluded that the Community Certificate originally produced by the petitioner is fake or is not genuine. Now, the petitioner himself died and hence, the enquiry process has become abated. Therefore, the bank cannot withhold the terminal benefits of the deceased M.Karunanidhi on mere presumption that the Community Certificate produced by him is not genuine. As such, this Court is of the view that, the service/terminal benefits including pension, Commutation and Gratuity and the money already deposited in the bank of the deceased M.Karunanidhi, shall be disbursed to the petitioners in equal proportion, within one month from the date of receipt of a copy of this order and the petitioners shall produce the Legal Heirship Certificate to the Bank.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

29.11.2022.

Inde:Yes/No
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To

1. The General Manager,
Syndicate Bank,
Regional Office, 69, Armenian Street,
first floor, Chennai 600 001.
2. The General Manager, Syndicate Bank,
Personnel Department, Head Office,
Manipal 576 104.
3. The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal and Welfare Department
Secretariat, Chennai 600 009.
4. The District Collector,
North Arcot District,
Vellore.
5. The Revenue Divisional Officer,
North Arcot, Vellore.



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