



W.P.No.25232 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.25232 of 2022

K.Lalitha Kumari

...Petitioner

Vs.

1.The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Officer – 1,
8th Floor, Anna Salai,
Chennai – 600 002.

2.The Manager,
P & IR Department,
Life Insurance Corporation of India,
Division – 1, Chennai – 600 002.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the respondents to provide due promotions on and from 1995 and consequential service benefits including monitory benefits from 1995 with interest in view of the order passed by the State Level Scrutiny Committee in Proceedings No.27053/CV-4(1)/2007-17 dated 05.02.2020.



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For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.R.S.Anandan

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The petitioner seeks a writ of mandamus directing the respondents to provide her due promotions on and from 1995 and consequential service benefits including monitory benefits from 1995 with interest in view of the order passed by the State Level Scrutiny Committee on 05.02.2020.

The factual back drop which led to the filing of the writ petition is as follows:-

2. The petitioner joined the service of the Life Insurance Corporation as an Assistant on 16.04.1986 under the quota reserved for Scheduled Tribes on the strength of the community certificate issued by the Tahsildar, Tiruttani in the year 1983. During the year 1995 the employer referred the community certificate for verification. The District Collector,



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Tiruvallur vide proceedings dated 19.03.1998 cancelled the community certificate concluding that she does not belong to Scheduled Tribe viz., Konda Reddy community. Consequent upon such cancellation, disciplinary proceeding was launched by the Life Insurance Corporation on 22.04.1998.

3. The petitioner challenged the proceedings of the District Collector in W.P.No.6392 of 1998 and this Court had stayed further proceedings in disciplinary action on 19.03.1998. Thereafter, this Court allowed the writ petition concluding that it is the State Level Scrutiny Committee which would have the power to verify the genuineness of the certificate issued to the petitioner. On the above conclusion, the order of the District Collector cancelling the community certificate was set aside and the matter was remitted to the State Level Scrutiny Committee for verification. Thereafter, the State Level Scrutiny Committee took up the enquiry and passed final orders on 05.02.2020 upholding the certificate issued to the petitioner.



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4. It appears that certain complaints were made after the final order was passed by the State Level Scrutiny Committee on 05.02.2020, upon which the State Level Scrutiny Committee attempted to embark upon re-enquiry. This was brought to the notice of the employer viz., Life Insurance Corporation. Therefore, the employer sought for clarification from the Director of Tribal Welfare, Chepauk by letter dated 11.02.2022. With alarming speed and alacrity, the Director of Tribal Welfare sent a reply to the Life Insurance Corporation on 14.02.2022 itself, within two days despite the fact that Saturday and Sunday intervened between 11.02.2022 and 14.02.2022, stating that steps have been taken for re-enquiry by the State Level Scrutiny Committee. It is this letter which is now relied upon by the employer to deny the benefits of the petitioner.

5. Challenge to the order of the State Level Scrutiny Committee by the Association viz., All India Scheduled Castes/ Scheduled Tribes/ Buddhists LIC Employees Welfare Association has been dismissed by us today on the ground that the Association has no *locus-standi* to challenge



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the conclusions of the State Level Scrutiny Committee. The law is settled to the effect that the State Level Scrutiny Committee cannot enter upon re-enquiry or review of its own order. The State Level Scrutiny Committee is not a judicial body, it is only a fact finding Authority. The fact finding Authority does not have review powers.

6. Moreover, the Hon'ble Supreme Court in ***Dayaram Vs. Sudhir Batham and others*** reported in ***2011 (6) CTC 192*** had concluded that once the District Level Vigilance Cell concludes that the certificate is genuine, no further enquiry is contemplated by the State Level Scrutiny Committee. The said position was reiterated by this Court in ***G.Venkadasamy and another Vs. The Chairman, State Level Scrutiny Committee*** reported in ***2016 (1) MLJ 606***. It is held that even the State Level Scrutiny Committee cannot enter upon the review of its order, which is based on the report of the District Level Vigilance Cell. Therefore, we find that it is the letter of the then Director of Tribal Welfare Mr.V.C.Rahul, I.F.S. dated 14.02.2022 which has created the entire confusion. Now that the community certificate has been upheld by the State Level Scrutiny Committee, the Life Insurance



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Corporation is bound to act upon it and confer all the benefits on the petitioner.

7. Therefore, the writ petition is **allowed**. There will be a direction to the Life Insurance Corporation to confer all the service benefits on the petitioner as she would be entitled to, as per the service rules of the Corporation. No costs.

8. Before we part with this case, we are compelled to observe that this Court is not at all happy with the functioning of the Authorities who are engaged in verification of these certificates. The State Level Scrutiny Committee takes its own sweet time, in some cases, more than 20 years to complete the enquiry. Even if the State Level Scrutiny Committee completes the enquiry process, the Authorities in the directorate of Tribal Welfare take up another cause and issue directions at their whims and fancies. It is high time that the Principal Secretary to Government, Adi Dravidar and Tribal Welfare looks into the issue seriously and sensitise its officers regarding



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their powers and responsibilities in the process of verification of the certificates. We hope the needful will be done at the level of the Secretary.

(R.S.M.,J.) (K.B.,J.)
02.11.2022

Note:-

Registry is directed to forward a copy of the order to **the Principal Secretary to Government, Adi Dravidar and Tribal Welfare** for further action.

dsa

Index :No
Internet :Yes
Speaking order



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Copy To:-

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare,
Secretariat, Chennai.
- 2.The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Officer – 1,
8th Floor, Anna Salai,
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