



WP.No.5598/2001

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.5598/2001

The Indian Overseas Bank
rep.by its Assistant General Manager
Central Office, No.763,
Anna Salai, Chennai 600 002.

.. Petitioner

Vs.

1.The Member and the Presiding Officer
The State Human Rights Commission
Justice Prathap Singh Maligai
No.35, Royapettah High Road
Chennai 600 014.

2.M.Chinnavilangu

3.The District Collector,
Dindigul, O/o.Collectorate
Dindigul Town.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorari calling for the records relating



WP.No.5598/2001

WEB COPY

to the orders and recommendations of the 1st respondent made in his proceedings in SHRC.No.3382/2000 Registrar of Societies dated 14.12.2000 and quash the same as illegal, unsustainable and without jurisdiction insofar which are against the interests of the petitioner.

For Petitioner	:	Mr.S.Kanniah
For R1	:	Mr.B.Damodaran
For R2	:	No appearance
For R3	:	Mr.Anand Kumar, GA

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This writ petition is filed challenging the order passed by the State Human Rights Commission, 1st respondent herein, in SHRC. No.3382/2000 dated 14.12.2000.
- (2) Brief facts that are necessary for the disposal of this writ petition are as follows:
- (3) The petitioner is a Nationalised Bank. The 2nd respondent herein was appointed as a Godown Keeper on 01.09.1997 under Scheduled Tribe Category as the 2nd respondent claimed himself as one belonging to Kattunaicken Community. The 2nd respondent



WP.No.5598/2001

WEB COPY

produced a Community Certificate dated 03.10.1997 issued by the Commissioner, Panchayat Union, Batlagundu. After finding out that the 2nd respondent has submitted a copy of certificate, it is stated that the 2nd respondent was asked to submit the original. It is stated that the 2nd respondent thereafter submitted Community Certificates dated 06.06.1983 and 15.07.1985 from incompetent officers and that the petitioner referred the matter to the District Collector for verification. Though the District Collector, by a letter stated that 2nd respondent belonged to Kattunaicken community, later informed the petitioner upon further enquiring that the earlier communication may be treated as cancelled. The petitioner previously sent the Community Certificates for verification and confirmed that the Community Certificate produced by 2nd respondent was issued by an authority who has no power to declare the community status of the 2nd respondent.

- (4) Based on a complaint, the District Collector reopened enquiry regarding verification of bona fides of 2nd respondent's claim. It is admitted that the 2nd respondent filed a writ petition in



WP.No.5598/2001

WEB COPY

WP.No.17075/1999 challenging the proceedings initiated by the District Collector regarding verification of the community status of the 2nd respondent. Subsequently, the writ petition was dismissed holding that District Level Scrutiny Committee alone has the power to verify the correctness of the Community Certificate and therefore, the District Collector has rightly sent the notice asking the 2nd respondent to appear for the enquiry and for verification of the community status of the 2nd respondent by the District Level Scrutiny Committee. In the meanwhile, the 2nd respondent who was terminated by the petitioner earlier, was reinstated by proceedings dated 24.10.2000. Despite the fact that the 2nd respondent was reinstated in service pending enquiry into the community status of the 2nd respondent, a complaint was given to the State Human Rights Commission / 1st respondent herein, alleging human rights violation by referring to the fact that at the instance of the petitioner, the District Vigilance Committee has cancelled the certificate and that the order of the District Level Scrutiny Committee is stayed by this Court in another writ petition



WP.No.5598/2001

WEB COPY filed by the 2nd respondent.

- (5) The complaint was entertained by the 1st respondent and passed the final orders with the following recommendations:-

RECOMMENDATIONS

1. *The Government of Tamil Nadu is required to pay a compensation of Rs.25,000/- [Rupees Twenty Five Thousand only] to the complainant.*
2. *The Government of Tamil Nadu is required to recover the amount of compensation so paid from the concerned Collector.*
3. *The Government of Tamil Nadu is required to cancel the illegal order of the District Vigilance Committee, Dindigul, cancelling the community certificate of the complainant.*
4. *The Chairman, Indian Overseas Bank, is required to pay a compensation of Rs.75,000/- [Rupees Seventy Five Thousand only] to the complainant ; and*
5. *The Chairman, Indian Overseas Bank, is required to recover the amount of compensation so paid from the concerned*



WP.No.5598/2001

WEB COPY

officers who had passed orders which had violated the human rights of the complainant, as pointed out earlier."

- (6) Learned counsel for the petitioner / Bank submitted that there is no human rights violation in this case and the dispute between the petitioner and the 2nd respondent is purely a service matter. Referring to the fact that the 2nd respondent has not produced the original Community Certificate at the time of joining and the community status of the 2nd respondent has not been decided pursuant to the enquiry, learned counsel submitted that the 1st respondent has no jurisdiction to entertain the complaint merely for the reason that an enquiry has been commenced for verification of Community Certificate.
- (7) The learned counsel for the petitioner then relied upon the order of a Division Bench of this Court dated 26.08.2015 made in WP.No.8080/2001 in the case of ***Indian Overseas Bank rep.by Assistant General Manager, Central Office, Anna Salai, Chennai Vs. The Member and Presiding Officer, State Human Rights Commission, Chennai and Others***, wherein the Division Bench



WP.No.5598/2001

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"9.In our view, it is not necessary to get into the merits of controversy in view of the scope and jurisdiction to be exercised by the State Human Rights Commission. The subject matter in question relates to the validity of the order of dismissal based on the Collector's decision qua the caste certificate, when the challenge to the decision of the Collector stood repelled by this Court. It is a pure service dispute. The functions of the Commission more specifically as specified in Section 12 forming part of Chapter-III dealing with functions and powers of Commission of the Protection of Human Rights Act, 1993, does not mention such service disputes. In fact, the State Human Rights Commission, Tamil Nadu [Procedure] Regulations, 1997, specifically provide in Regulation No.9 complaints not ordinarily entertainable and in sub-clause [3], it maintains disputes relating to service matters or labour or industrial disputes. Thus, the State Commission had no jurisdiction whatsoever to proceed with the subject matter in question, a position which is not being disputed by the learned counsel for the 1st and the 2nd respondent Association."



WP.No.5598/2001

WEB COPY

- (8) Referring to the above order of the Division Bench of this Court, the learned counsel submitted that the impugned order is liable to be set aside.
- (9) This Court heard the submission of the learned counsel for the 1st respondent and Mr. Anand Kumar, learned Government Advocate appearing for 3rd respondent and also perused the materials placed. Despite service of notice, there is no representation for the 2nd respondent.
- (10) From the order passed by the 1st respondent, this Court is able to see that the 1st respondent has not applied its mind and had misdirected itself not only on the point of law but also on facts relating to the dispute between the petitioner and 2nd respondent.
- (11) From the averments in the affidavit filed in support of this writ petition as well as the proceedings relating to verification of the community status of 2nd respondent, this Court has seen that the Community Certificate produced by the 2nd respondent before the petitioner is found invalid and the legality of the proceedings initiated for verification of the community status of the 2nd



WP.No.5598/2001

WEB COPY

respondent has been upheld by this Court earlier in the writ petition filed by the 2nd respondent. In such circumstances, questioning the Collector's action is unwarranted. In the case of the 2nd respondent, the community status was not verified and the matter is now pending before the District Vigilance Committee. Though it is admitted that the order of the District Vigilance Committee is challenged before this Court, the invalidity of the order of the District Vigilance Committee cannot be assumed by the 1st respondent / Human Rights Commission.

- (12) As held by the Division Bench of this Court, the nature of dispute is purely arising out of the employment and the State Human Rights Commission has no jurisdiction to resolve service disputes and therefore, this Court is of the view that the impugned order is without jurisdiction and the 1st respondent assumed jurisdiction by going into the illegality of the proceedings initiated by the competing authority on verification of the community status of 2nd respondent. Hence, this Court is of the view that the impugned order is illegal and liable to be set aside.



WP.No.5598/2001

WEB COPY

(13) In the result, the writ petition stands **allowed** and the impugned order of the 1st respondent dated 14.12.2000 made in SHRC.No.3382/2000 is **quashed**. No costs.

[SSSRJ] [AANJ]
31.01.2023

AP

Internet : Yes

Neutral Citation: Yes/No

To

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WEB COPY



WP.No.5598/2001

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WP.No.5598/2001

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