



W.P. No.809 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 22.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.809 of 2018
and WMP.No.975 of 2018

Union of India
Rep. by the Senior Superintendent
RMS "T" Division,
Tiruchirapali 620 001.

.. Petitioner

Versus

1. A.Periasamy
2. The Hon'ble Central Administrative Tribunal
Madras Bench,
Rep. by its Registrar
City Civil Court Building,
3. State Level Scrutiny Committee,
Rep. by the Principal Secretary to Government,
Adidraavidar and Tribunal Welfare Department,
Fort St. George, Chennai 600 009.

.. Respondents

**[R3 impleaded as per the order of this Court dated 26.09.2018
in WMP.No.28853 of 2018 in WP.No.809 of 2018]**



W.P. No.809 of 2018

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records relating to the order passed by the second respondent in OA.No.1520 of 2015, dated 23.06.2016 and quash the same.

For petitioner : Mr.Mr.Venkataswamy Babu

For respondents

for R1 : Mr.R.Malaichamy

for R2 : Tribunal

for R3 : Mr.P.Balathandayutham, Spl.G.P.

ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

This Writ Petition is filed to quash the order passed by the second respondent in OA.No.1520 of 2015, dated 23.06.2016.

2. It is the case of the first respondent that he was appointed in the Postal Department as Mail Man in the year 1984 by producing his caste certificate. During the year 1992, he was terminated from service on the ground that he produced bogus caste certificate. Subsequently, he was reinstated into service w.e.f. 28.11.2005. Hence, he requested the



W.P. No.809 of 2018

Department to treat the period for which he was removed from service as duty period for all purposes and the same was rejected. Challenging the same, he filed the OA.310/01520/2015. The Tribunal vide impugned order, dated 23.06.2016 disposed of the said OA directing the respondents to consider the period of removal from service as on duty for the purpose of seniority and also for pension benefits. Challenging the same, the present Writ Petition is filed.

3. It is now brought to the notice of this Court by the learned Special Government Pleader appearing for the third respondent that pending Writ Petition, the State Level Scrutiny Committee verified the Community Certificate of the first respondent and issued a proceedings dated 06.11.2023 stating that the Community Certificate produced by the first respondent is not genuine.

4. In reply, the learned counsel for the first respondent seeks liberty to approach the authority concerned.



W.P. No.809 of 2018

5. In the light of the above Proceedings dated 06.11.2023, the impugned order passed by the Tribunal is liable to be set aside. Accordingly, the same is set aside. Consequently, this Writ Petition is allowed with liberty to the first respondent to seek his remedy before the authority concerned. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J] [P.D.B., J]
22.11.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To

1. The Hon'ble Central Administrative Tribunal
Madras Bench,
Rep. by its Registrar
City Civil Court Building,
2. The Principal Secretary to Government,
State Level Scrutiny Committee,
Adidraavidar and Tribunal Welfare Department,
Fort St. George, Chennai 600 009.



WEB COPY



W.P. No.809 of 2018

D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

pvs

W.P. No.809 of 2018

22.11.2023