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W.P.No.12540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.12540 of 2023
and W.M.P.No.12370 of 2023**

K.A.Bakthavachalam

... Petitioner

Vs

1.The Tamil Nadu State Level
Scrutiny Committee- I,
Adi Dravidar and Tribal Welfare
Department (CV-IV),
Secretariat,
Chennai – 600 009,
rep. by its Chairman.

2.The Assistant General Manager (HRM),
Indian Bank,
No.254-260, Avvai Shanmugam Salai,
Royapettah,
Chennai – 600 014.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus, to call for the entire records,



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relating to the order passed by the Tamil Nadu State Level Scrutiny Committee-I in proceedings No.13044/CV-4(1)/2016-11 dated 10.01.2023 on the file of the 1st respondent, quash the same and direct the 2nd respondent to extend all the terminal benefits to the petitioner.

For Petitioner : Mr. S.Doraiswamy

For Respondents : Mr.S.Balamurugan for R1
Government Advocate
Mr.Kalyanaraman
for M/s.Aiyar and Dolia for R2

ORDER

(Order of the Court was made by J.Nisha Banu,J)

Writ Petition is filed challenging the impugned order dated 10.01.2023 passed by the 1st respondent/Tamil Nadu State Level Scrutiny Committee- I, by which, the community certificate of the petitioner was cancelled.

2. The case of the petitioner is that he belongs to Konda Reddy Community which is classified as a Schedule Tribe Community. He was issued with such certificate by the Judicial I Class Magistrate-No.II, Salem on 21.06.1982. The petitioner was appointed as a Clerk in the second respondent Bank under the reserved quota for scheduled tribe



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in the year 1982 and got promotion to the officer grade in 1993. Upon completion of more than 37 years of service, the petitioner got retired on 31.01.2020. While so, on 29.01.2020, the second respondent Bank issued an order placing him under cessation of service from the Bank since the final report of his community certificate is awaited. Subsequently, the 1st respondent committee passed order on 10.01.2023 cancelling the community certificate issued by the Additional Class-I, Magistrate, Salem dated 16.03.1982. Hence, the present writ petition challenging the said cancellation order and consequently, extend all terminal benefits to him.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. Learned Government Advocate appearing for the 1st respondent would state that though several opportunities were given to the petitioner by issuing summons to the petitioner to attend the enquiry, he did not participate in the enquiry and also did not submit the relevant



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documents. Since the petitioner did not cooperate with the enquiry, the department proceeded with field enquiry and only on due verification, the impugned order was passed.

5. Learned counsel for the petitioner would state that the petitioner joined the Bank's services in the year 1982 and it is not permissible for verification for community certificate after lapse of 34 years according to the guidelines issued by *Kumari Madhuri Patil's case*. However, learned counsel for the petitioner would state that if again, enquiry is conducted, the petitioner is ready to attend the same by producing relevant documents.

6. Admittedly, the petitioner did not participate in the enquiry conducted by the State Level Scrutiny Committee. It is seen from the records that the petitioner was having health issues and hence, he could not participate in the enquiry. When he was called for enquiry on 27.08.2021 also he requested the committee to postpone the enquiry by considering his health conditions. Therefore, we are of the view that it



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would suffice if one more opportunity is given to the petitioner to prove his case.

7. In view of the above, the impugned order dated 10.01.2023 is hereby set aside. The 1st respondent/ Tamil Nadu State Level Scrutiny Committee is directed to conduct a fresh enquiry and the petitioner is directed to participate in the enquiry without fail. The 1st respondent is directed to pass appropriate orders afresh after hearing the petitioner, within a period of two weeks thereafter.

8. In the result, the Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
msv/vsi

(J.N.B,J.) (N.M., J.)
07.12.2023



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