



W.P.No.33061 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

**W.P.No.33061 of 2016
and WMP.No.28552 of 2016**

1.The Union of India,
Rep by the General Manager,
Southern Railway,
Park Town, Chennai-600 003.

2.Divisional Railway Manager,
Chennai Division,
Southern Railway,
Chennai.

3.The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
Chennai.

... Petitioners

Vs.

1.K.Rajanna,

2.The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai



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3.State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

.. Respondents

(R3 Suo Motu impleaded as per the order dated
12.12.2017)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari to call for the entire records of the 2nd respondent in O.A.No.21 of 2015 and quash the order passed therein dated 14.03.2016.

For Petitioners : Mr.P.T.Ramkumar

For Respondents : Ms.N.R.Jasmine Padma
for Mr.L.Chandrakumar for R1

R2- Tribunal

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

Challenge in the writ petition is to the impugned order passed by the Tribunal in O.A.No.21/2015 dated 14.03.2016, in and by which the Tribunal has set aside the impugned communication of the third petitioner dated 19.06.2014 and directed the respondents to settle the terminal benefits to the respondent.



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2. When the aforesaid Original Application was pending, the third petitioner has received a communication from the District Collector and District Magistrate, Kurnool dated 28.10.2015 informing that the community certificate issued in favour of the respondent herein, namely Sri K.Rajanna, is not genuine and therefore, the claim of the respondent that he belongs to Scheduled Tribe (Kammara) Caste is not genuine. The petitioner also filed his reply statement before the Tribunal, wherein it has been stated that as per verification by the District Collector, the respondent's Community Certificate is not found to be genuine. The Tribunal, without taking into consideration of the said fact, has decided the O.A. on merits and directed the petitioners to release the retirement benefits to the respondent. The said order of the Tribunal is under challenge before this Court.

3. According to the petitioner, in the light of the aforesaid communication of the District Collector & District Magistrate, Kurnool dated 28.10.2015, the order of the Tribunal has become infructuous.



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4. According to the respondent, he has not been in receipt of the communication of the District Collector, Kurnool, but only in the reply statement before the Tribunal, the petitioner has informed that a report has been received from the District Collector, Kurnool informing that the Community Certificate issued by the Tahsildar, Halaharvi Mandal is not genuine and in the light of the above, the order passed in the Original Application has become infructuous and the said original application cannot be decided on merits. If at all the respondent is being aggrieved, it is open to them to challenge the decision of the District Collector, before the appropriate forum in the manner known to law.

5. At this juncture, the learned counsel for the parties has submitted that the District Level Committee is not the competent authority to decide the genuineness of the Community Certificate issued in favour of the respondent herein.

6. The learned Standing Counsel for the petitioner fairly agreed that if the State Level Scrutiny Committee is competent, then the petitioner Board will forward the documents to the State Level Scrutiny Committee to verify the



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genuineness of the Communicate Certificate along with the report of the District Collector & District Magistrate, Kurnool for taking necessary action. It is further submitted by the learned Standing Counsel for the petitioner that the genuineness of the Community Certificate of the petitioner has still not been decided and no final decision is taken.

7. The order passed by the District Collector, Kurnool informs that the Community Certificate issued by the Tahsildar, Halaharvi Mandal is not genuine, however, the said order is not under challenge. Both the parties have agreed that the District Level Scrutiny Committee is not the competent authority to decide the genuineness of the community certificate. Since the respondent had already been suffered without payment of terminal benefits after his retirement and when the genuineness of the community certificate issued by the Tahsildar is questioned, it is for the parties concerned to seek their remedy by challenging the said order of the District Collector before the appropriate forum.

8. In such circumstances, the impugned order passed by the Central



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Administrative Tribunal dated 14.03.2016 in O.A.No.21/2015 is set aside. The first respondent is at liberty to make appropriate application before the petitioner department seeking for settlement of other eligible terminal benefits as per law and if any such application is filed, the petitioner department shall consider the same and pass appropriate orders, if the respondent is otherwise eligible.

9. The Writ Petition stands allowed with the above liberty. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (P.D.B., J.)
01.11.2023

Intex : Yes/No
Internet : Yes/No
Jvm

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai

2. State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,



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Secretariat, Chennai-600 009.

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



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