



W.P.No.22015 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM

THE HONOURABLE Mrs.JUSTICE J.NISHA BANU

and

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.22015 of 2023

and

W.M.P.No.21387 of 2023

N.Ezhilmani

...Petitioner

vs

1. The Chairman,
State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi-Dravidar and Tribl Welfare
Department, Secretariat,
Chennai - 9.

2. The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Kancheepuram District,
Kancheepuram.

.... Respondents

Writ Petition filed under Article 226 of the Constitution to issue a Writ of Certiorarified mandamus to call for the records of the 2nd respondent in its No.Nil dated 04.07.2023 and quash the same and consequently refrain the respondents from making verification into the



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community status of the petitioner at this belated stage.

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For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader for R2

ORDER

This Writ Petition has been filed challenging order of the 2nd respondent in No.Nil dated 04.07.2023 and consequently refrain the respondents from making verification into the community status of the petitioner at this belated stage.

2. The petitioner was appointed in the year 1978 as Special Mechanic in the Chennai Port Trust under Open category. In the year 1983, the petitioner was selected and appointed as Assistant Controller in the Chennai Port Trust under ST category. In November 1985, the petitioner's service was terminated. Therefore, the petitioner filed W.P.No.11851 of 1985 and the same was allowed and the respondents were directed to reinstate the petitioner in the appropriate post especially, considering that his initial appointment was under open category. On 06.05.1986, the petitioner was appointed as Supervisor Grade II (lower post) under open category. The said



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post was redesignated as Junior Engineer. The petitioner attained the age of superannuation on 31.05.2015, after serving for 37 years. Since the terminal benefits were not paid, the petitioner filed W.P.No.7210 of 2016. On 21.06.2018, the said writ petition was allowed holding that since the petitioner's appointment and reinstatement was under open category, there is absolutely no justification for withholding the terminal benefits. Thereafter, the pension and other terminal benefits were sanctioned to the petitioner. Now, the 2nd respondent has issued the impugned proceedings for making verification into the community status of the petitioner at this belated stage.

3. Learned counsel for the petitioner relied on the order dated 03.03.2023 passed by the Hon'ble Supreme Court in Special Leave Appeal (C) No.24458/2019 wherein it was held that *"the respondent No.1, who served in the Railways has superannutated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe Category. Considering the above, we deem it appropriate to order of closure of the proceedings"*



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4. Considering the facts and circumstances of the case and that the petitioner was appointed in the year 1978 and attained superannuation on 31.05.2015, having put in 37 years of service and also in the light of the decision of the Hon'ble Supreme Court made in Special Leave Appeal (C) No.24458/2019 dated 30.03.2023, we are inclined to allow the writ petition. Accordingly, the impugned order passed by the 2nd respondent dated 04.07.2023 is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
09.08.2023

Index: Yes/No
Speaking/Non-speaking order
vsi

To

1. The District Collector,
Coimbatore.
2. The Commissioner,
Coimbatore Municipal Corporation,
Big Bazaar, Town Hall,
Coimbatore - 641 001.
3. Assistant Commissioner,
Coimbatore Municipal Corporation,



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West Zone, R.S.Puram,
Coimbatore - 641 002.



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**J.NISHA BANU,J.
and
N.MALA,J.**

vsi

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