



WEB COPY



W.P.No.27823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.27823 of 2023
and
W.M.P.Nos.27316 & 27319 of 2023

V.Vallinayagam

.... Petitioner

VS

The Chairman,
State Level Scrutiny Committee-II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
Secretariat,
Chennai -9

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent in its No.22057/CV-2(2)2008-8 dated 23.08.2023 and quash the same and consequently refrain the respondent from making verification into the petitioner's community ore than 4 years after retirement.

For Petitioners : Mr.V.Vijayashankar

For Respondent : Mr.E.Vijayanand,
Additional Government Pleader



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ORDER

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(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed challenging the order dated 23.08.2023 passed by the respondent and consequently refrain the respondent from making verification into the petitioner's community more than 4 years after retirement.

2. The case of the petitioner is that his family belongs to Sholaga community which is classified as a Scheduled Tribe and he was issued with such community certificate by the Tahsildar on 25.06.1982. His close relatives including his own brothers have been issued with such caste certificate by the Revenue Authorities. The petitioner was appointed in the Central Bank of India in July 1982 and after completing 36 years of service, he reached superannuation on 31.05.2019. He was sanctioned with pension, gratuity and all other admissible terminal benefits and he is presently 65 years old. Now, by the impugned notice dated 23.08.2012, the respondent directed the petitioner to appear for enquiry for verification of his community certificate, four years after his retirement. Hence, the present writ petition.

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



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4. It is seen from the records that the petitioner retired from service four years ago and he was sanctioned with pension, gratuity and other benefits. At this stage, verification of his community status is uncalled for. The Government of India have issued guidelines periodically mandating all employers and authorities to undertake verification at the earliest point of time preferably at the time of one's entry into service. In the present case, the petitioner has completed 36 years of service and retired in the year 2019.

5. It is pertinent to point out that the Hon'ble Apex Court and various High Courts have time and again stressed that verification after retirement is a wasteful exercise and would be purely academic. In similar circumstances, in SLP(C) No.24458/2019 dated 03.03.2023, the Hon'ble Apex Court has held as follows:

It is submitted that the respondent No.1 who served in the Railways has superannuated 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 is appropriate to order for closure of the proceedings.

Accordingly, the Special leave Petition stands disposed of.



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6. Considering the facts and circumstances of the case and in the light of the above decision of the Hon'ble Apex Court, we are inclined to set aside the impugned order passed by the respondent. Accordingly, the impugned order dated 23.08.2023 passed by the respondent is hereby set aside. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
25.09.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To
The Chairman,
State Level Scrutiny Committee-II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
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J. NISHA BANU, J.
and
N.MALA, J.

vSi

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