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W.P.No.29269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2023

CORAM

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

W.P.No.29269 of 2022
and WMP.No.28563 of 2022

K.Karunambal

... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee – III,
Adi Dravidar and Tribal Welfare Department (CV-5),
Namakkal Kavingar Maligai,
Secretariat,
Chennai – 600 009,
Rep. by its chairman.

2.The Director of Tribal Welfare Department,
Chepauk,
Chennai – 600 005.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the enquiry notice in Letter No.22437/CV-5/2003-24, dated 20.10.2022 on the file of the 1st respondent and quash the same.



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For Petitioner : Mr.S.Doraisamy

For Respondents : Mrs.Mythreye Chandru
Special Government Pleader

* * * * *

ORDER

[Order of the Court was made by J.NISHA BANU,J.]

This Writ Petition is filed to call for the records relating to the enquiry notice in Letter No.22437/CV-5/2003-24, dated 20.10.2022 on the file of the 1st respondent and quash the same.

2.The case of the petitioner is that her family belongs to Kondareddis community which is classified as a Scheduled Tribe and he was issued with such community certificate by the Tahsildar on 30.05.1975. The petitioner appointed as a Clerk cum Cashier on 10.11.1978 under the reserved quota for the Scheduled Tribe. On 03.10.1996, the Collector, Salem cancelled her community certificate. Hence, the petitioner filed a W.P.No.17665 of 1996 and this Court vide order dated 31.07.2023 set aside the orders and directed the 1st respondent to decide the question of community status raised by the petitioner. Thereafter, the petitioner filed a W.A.No.3645 of 2003



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and this Court vide order dated 27.07.2005 set aside the order in W.P.No.17665 of 1996 and directed the District Level Committee to initiate a fresh action on the community status of the petitioner. On 30.06.2013, the petitioner got retired from service. Thereafter, the 1st respondent reiterated the matter to the Vigilance Cell. The Vigilance Cell Officer concluded his enquiry by without being heard, sent his report to the second respondent. As against the ex-parte Vigilance Cell report petitioner filed a W.P.No.33856 of 2015 and this Court vide order dated 28.10.2015 directed the Vigilance Committee to examine the matter afresh. The second respondent issued show cause notice on 30.06.2016. Since the second respondent has no authority filed a W.P.No.27970 of 2016 and this Court vide order dated 10.08.2016 set aside the show cause notice and directed the 1st respondent to issue fresh show cause notice and to complete the enquiry within a period of two months. The Bank Management refused to disburse retirement benefits, petitioner filed W.p.No.34652 of 2014. The Division Bench of this Court vide order dated 13.03.2017 directed the 1st respondent Committee to complete the enquiry within a period of three months. After 4 years, the 1st respondent issued a notice for an enquiry to be held on 27.07.2021. Petitioner made a request on 24.07.2021 to the 1st respondent to drop the further proceedings in view of the Bank Management issued a letter dated 06.05.2017. Without considering her request again the 1st respondent Committee issued a notice for an enquiry to be held on



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31.10.2022. Hence the present writ petition.

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

4. It is seen from the records that the petitioner retired from service and she was sanctioned with pension, gratuity and other benefits. At this stage, verification of her 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 35 years of service and retired in the year 2013.

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



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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.

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 20.10.2022 passed by the 1st respondent is hereby set aside.

7.The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

J.N.B.J., N.M.J.,
06.11.2023

Index : yes/no
Internet : yes/no
Speaking order/Non-speaking order

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- To
- 1.The Tamil Nadu State Level Scrutiny Committee – III,
Adi Dravidar and Tribal Welfare Department (CV-5),
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&
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