



W.P.No.32987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM

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

W.P.No.32987 of 2023
and
W.M.P.No.32666 of 2023

K.Manivannan

.... Petitioner

VS

The Chairman,
State Level Scrutiny Committee-III,
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 calling for the records of the respondent made in Impugned Proceedings No.6858/ CV- 6/ 2006- 42 dated 28.08.2023 and quash the same and consequently refrain the respondent from making verification into the petitioners community after retirement and pass.

For Petitioner : Mr.L.Chandrakumar for Mr.N.Naganathan

For Respondent : Mr.Stalin Abimanyu
Additional Government Pleader



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ORDER

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

This Writ Petition has been filed challenging the order dated 28.08.2023 passed by the respondent and consequently refrain the respondent from making verification into the petitioner's community 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 21.06.1980 and his close relatives have also been issued with such caste certificate by the Revenue Authorities. The petitioner was appointed in the post of Junior Assistant in Chennai Port Trust on 17.01.1980 and after completing more than 32 years of service, he reached superannuation on 29.02.2012. He was sanctioned with provisional pension and he is presently 72 years old. Now, by the impugned notice dated 28.08.2023, the respondent directed the petitioner to appear for enquiry for verification of his community certificate, 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 and he was sanctioned with provisional pension. 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 more than 32 years of service and retired in the year 2012.

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 28.08.2023 passed by the respondent is hereby set aside. The Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
30.11.2023

sk

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To
The Chairman,
State Level Scrutiny Committee-III,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV2) Department,
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