



W.P.No. 34451 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 34451 of 2023
and W.M.P.Nos. 34368 and 34370 of 2023

K. Rajkumar

..Petitioner

Vs.

The Chairman,
State Level Scrutiny Committee-III
Additional Secretary to Government
Adi Dravidar and Tribal Welfare (CV3) Department
Secretariat
Chennai-9

..Respondent

Prayer: 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 made in Impugned proceedings No.6998/CV-4(1)/2013-3 dated 16.12.2016 and quash the same and consequently refrain the respondent from making verification into the petitioner's community after retirement.

For Petitioner : Mr. N. Naganathan

For Respondent : Mrs. Mythreyechandru

Special Government Pleader



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ORDER

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(Order of the Court was made by J.Nisha Banu,J.)

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer sought for in this Writ Petition is to challenge the order of the respondent dated 16.12.2016 and consequently refrain the respondent from making verification into the petitioner's community after retirement.

3. The case of the petitioner is that he belongs to “Kattunayakan community” which is classified as Scheduled Tribe and he was issued with such community certificate dated 12.12.1976 by the Deputy Tahsildar, Saidapet and later by the Tahsildar, Fort Tondairpet Taluk on 23.05.1983 and his close relatives/ family members have also been issued with such certificates by the Revenue Authorities. He was selected to the post of Deployable Vehicle Driver in Chennai Port Trust on 01.12.1982. The Chennai Port Trust had verified his community certificate at the time of his appointment and later on, confirmed his service. Subsequently, they promoted him to the post of Power Shovel Driver on 13.07.1987 and after

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completing a period of more than 37 years of service, the petitioner reached superannuation on 31.05.2020. He was sanctioned pension, gratuity and all other admissible terminal benefits and at present, he is 63 years old. Prior to his retirement, the impugned notice dated 16.12.2016 was issued directing the Director of Tribal Welfare Department and Deputy Superintendent of Police to verify the community certificate of the petitioner, without any basis. Till date, no order was passed. To verify the community certificate, after a lapse of more than 30 years from the date of the issuance of the same is a futile exercise. Hence, the present writ petition.

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

5. 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 37 years of service and retired in the year 2020. Hence, at this stage, verification of the community certificate

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of the petitioner is nothing but futile exercise which is unwarranted.

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6. 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

7. In the light of the above decision of the Hon'ble Apex Court and the affidavit filed by the petitioner, we are inclined to record the



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undertaking affidavit filed by the petitioner and set aside the impugned show cause notice dated 16.12.2016. Accordingly, the writ petition stands disposed of in terms of the undertaking affidavit of the petitioner dated 11.12.2023. The impugned show cause notice dated 16.12.2016 is quashed. However, it is made clear that if the petitioner claims community certificate for his children based on his community certificate, then necessarily, the petitioner's community certificate has to be scrutinised by the respondent. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
13.12.2023

Index : Yes / No

Speaking Order : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

msv

To

The Chairman, State Level Scrutiny Committee-III

Additional Secretary to Government

Adi Dravidar and Tribal Welfare (CV3) Department, Secretariat
Chennai-9

J.NISHA BANU,J.
And
N.Mala,J.

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