



W.P.No. 34829 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

**and**

**THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No. 34829 of 2023  
and W.M.P.No. 34836 of 2023**

P. Ayyappan

..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:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records of the respondent made in Impugned proceedings No.12268/CV-2(2)/2012-14 dated 21.11.2023 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. R.L.Karthika for  
Government Advocate

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**ORDER**

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

This Writ Petition has been filed challenging impugned proceeding No.12268/CV-2(2)/2012-14 dated 21.11.2023 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 Konda Reddy community which is classified as a Scheduled Tribe and he was issued with such community certificate by the Tahsildar, Nanguneri on 02.09.1973. His close relatives including his grandfather Muthusamy and his parents had been living in Samuharengapuram village, Nanguneri Taluk, Tirunelveli during 1950. The petitioner was appointed in the Indian Bank and posted at Puthunagaram Branch, Kerala on 06.04.1979 and after completing 35 years of unblemished service, he was given promotion up to the level of Manager and reached superannuation on 30.06.2013. He was sanctioned with pension, gratuity and other admissible terminal benefits and he is presently 71 years



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3. According to the petitioner, he got retired from service on 30.06.2013 and the respondent issued a impugned notice No.12268/CV-2(2)/2012-14 dated 21.11.2023 to the petitioner for an enquiry to be held on 08.01.2024. The learned counsel for the petitioner would contend that the petitioner served in the bank for 35 years and attained superannuation. As of now, no purpose will be served in verifying the community certificate of the petitioner. The petitioner is now 71 years old and at this stage, verification of his community status is uncalled for.

4. The learned counsel for the petitioner filed an undertaking affidavit of the petitioner before this Court, in which, paragraph No.6 reads as under:-

*“I submit that I filed a W.P.No.34829 of 2023 before this Hon'ble Court seeking to quash the impugned order. I*



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*got retired from service in way back in the year 2013 and i*

*have been suffering continuously for all these periods.*

*Therefore, I hereby sincerely given an undertaking that I*

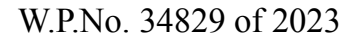
*shall not utilize my ST Community Certificate dated*

*02.09.1973 for myself or my children at any point of time in*

*future.”*

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondent and perused the materials available on record.

6. It is seen from the records that the petitioner retired from service on 30.06.2013. But the respondent issued impugned notice dated 21.11.2023 to the petitioner. 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.



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21.11.2023 is quashed. The employer Bank shall pay all the terminal benefits, if any due to the petitioner forthwith. No costs. Consequently, connected miscellaneous petition is closed.

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

**14.12.2023**

Index : Yes / No  
Speaking Order : Yes/No  
Internet: Yes/No  
Neutral Citation: Yes/No  
msv

To

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



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