



W.P.No.35646 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

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

W.P.No.35646 of 2023

K.Mahalingam

.... Petitioner

vs.

The Chairman, State Level Scrutiny Committee II/
Additional Secretary to Government
Adi Dravidar and Tribal Welfare (CV2) Department
Secretariat, Chennai 600 009.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in the order bearing Letter No.13207/CV-2/2021-12 dated 07.12.2023 issued by the respondent and quashing the same and forbearing the respondent-State Level Scrutiny Committee II from verifying the Community Certificate of the petitioner dated 28.06.1977 issued by the Tahsildar, Tirupattur (NA) in any manner whatsoever.

For Petitioners : Mr.M.Radhakrishnan

For Respondent : Mr.S.Balamurugan, Government Advocate



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ORDER

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This Writ Petition has been filed challenging the order dated 07.12.2023 passed by the respondent and consequently refrain the respondent from making verification into the petitioner's community more than 3 years after retirement.

2. The case of the petitioner is that his family belongs to Kurumans community which is classified as a Scheduled Tribe and he was issued with such community certificate by the Tahsildar on 28.06.1977. The petitioner was appointed in the Chennai Port Trust, Chennai, as Assistant Engineer (Mech.) on 31.12.1986 and after completing 34 years of service, he reached superannuation on 31.01.2021. He was sanctioned with pension, gratuity and all other admissible terminal benefits and he is presently 63 years old. Now, by the impugned notice dated 07.12.2023, the respondent directed the petitioner to appear for enquiry for verification of his community certificate, three years after his retirement. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate 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 three 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 34 years of service and retired in the year 2021.

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 07.12.2023 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.)
22.12.2023

sk

Index : Yes / No

Internet : Yes / No

To

The Chairman, State Level Scrutiny Committee II/

Additional Secretary to Government

Adi Dravidar and Tribal Welfare (CV2) Department
Secretariat, Chennai 600 009.



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and
N.MALA, J.

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