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W.P.No.29858 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HON'BLE MR.JUSTICE S.S.SUNDAR
and
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.29858 of 2023
and W.M.P.No.29469 of 2023

A.R.Suthakaran

...Petitioner

VS.

1.The Tamil Nadu State Level Scrutiny Committee-III,
Adi Dravidar & Tribal Welfare Department,
Namakkal Kavinjar Maaligai, Secretariat,
Chennai – 600 009.

2.The General Manager,
Integral Coach Factory,
Chennai – 38.

...Respondents

Prayer in : Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records relating to the order of the 1st respondent made in proceedings No.18093/CV-4(1)/2021-11 dated 03.10.2023 to quash the same and to consequently direct the 2nd respondent to extend all service accruals arising thereto.

For Petitioner : Mr.L.Chandrakumar
For Respondents : Mr.M.R.Gokul Krishnan for R1
Additional Government Pleader
Mr.B.Sudhir Kumar for R2
Senior Panel Counsel



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ORDER

(Order of the Court was made by S.S.Sundar, J.)

This writ petition is filed for issuance of writ of certiorarified mandamus to quash the proceedings of the first respondent dated 03.10.2023 and to direct the second respondent to extend all service accruals arising thereto.

2.The brief facts necessary for dispose of the case are as follows:

The petitioner was selected and appointed in the post of Clerk Grade I by the Railway Service Recruitment Board on 25.05.1987. It is admitted that the petitioner secured employment on the basis of a community certificate dated 25.07.1982 showing that the petitioner belongs to Konda Reddiar Community. Later, at the request of the employer, the first respondent initiated proceedings for verification of the community status of the petitioner. After holding enquiry and getting report from the Anthropologist as well as the Vigilance Cell, the first respondent by the impugned order held that the community certificate which was obtained by the petitioner in 1982 as well as the certificate which was obtained in 1986 are not genuine and further a direction was issued to cancel the said certificates. The Committee has examined several other documents and found that the petitioner's claim is not



bonafide for valid reasons. The report of the Vigilance Cell dated 07.03.2023 was signed by the Deputy Superintendent of Police and the report of the Anthropologist is also enclosed along with a report of the Vigilance Cell.

3.Learned counsel appearing for the petitioner submitted that a copy of the report of the Vigilance Cell as well as the Anthropologist report were not given to the petitioner. The intimation that is available from the postal cover, seems to be otherwise. The postal cover containing the report of the Vigilance Cell and all other documents which were relied upon by the Vigilance Cell including the Anthropologist report are returned with an endorsement (unclaimed). On the reverse side of the postal cover, the endorsement on 11.04.2023 and on 12.04.2023 shows that DL (means door locked). Surprisingly, the postal cover shows that address as Door No.142-B, TVS Nager whereas the petitioner's address is Door No.1 & 2, B.V.S Nagar. Since the door number has been given wrongly, the learned counsel submitted that the postal endorsement “unclaimed” cannot be treated as evading of service by the addressee.



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4. We have seen the endorsement and wrong address found in the postal cover. Hence we have no hesitation to hold that the two important documents viz., the report of the Vigilance Cell as well as the Anthropologist report which is also annexed in the report of the Vigilance Cell were not served on the petitioner.

5. Since the State Level Scrutiny Committee has relied upon these two important documents in support their findings, this Court finds that the impugned order is in violation of principles of natural justice.

6. However, genuineness of some of the documents are also to be considered by the State Level Scrutiny Committee while redoing the exercise. The date seal found in the Secondary School Leaving Certificate appears to be by using the seal which was manufactured after 1980. Since this Court is unable to sustain the impugned order on a short ground that the two important documents which are relied upon by the first respondent had not been served on the petitioner, the matter is remitted to the first respondent.

7. It is now reported before this Court that the petitioner will be served with a copy of the report of the Vigilance Cell along with annexures.



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8.Learned Additional Government Pleader undertakes to handover a copy of the report of the Vigilance Cell along with the annexures in the course of the day.

9.The first respondent/State Level Scrutiny Committee is directed to pass a detailed speaking order after giving an opportunity of hearing to the petitioner as well as the second respondent within a period of six weeks from the date of receipt of a copy of this order.

10.With the above direction, this writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R.,J.) (N.S.,J.)
09.07.2024

Index: yes/no
Speaking order:yes/no
Neutral Citation:yes/no
pam

To

1.The Tamil Nadu State Level Scrutiny Committee-III,
Adi Dravidar & Tribal Welfare Department,
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Chennai – 600 009.

2.The General Manager,
Integral Coach Factory,
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