



W.P.No.34178 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	:	22.12.2023
PRONOUNCED ON	:	11.01.2024

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.34178 of 2023
and W.M.P.Nos.34053 & 34055 of 2023

Bala Kodhanda Rao

... Petitioner

Vs.

1. The Tamil Nadu State

Level Scrutiny Committee- III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai 600 009
Rep. By its Chairman.

2. The Deputy Zonal Manager and Zonal Head,

UCO Bank, Thambu Chetty Street,
Chennai - 1

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records



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relating to the order passed by the Tamil Nadu State Level Scrutiny Committee- III in proceedings No.12921/CV-6/2020-7, dated 28.01.2022 on the file of the first respondent, quash the same and direct the 2nd respondent to extend all the terminal benefits to the petitioner.

For Petitioner : Mr.S.Doraiswamy

For R-1 : Mr.Stalin Abimanyu,
Additional Govt. Pleader

For R-2 : No Appearance

ORDER

Per J.NISHA BANU, J.,

This Writ Petition has been filed challenging the order passed by the first respondent dated 28.01.2022 and consequently to extend all the terminal benefits to the petitioner.

2. The case of the petitioner is that he belongs to Konda Kapus community which is classified as a Schedule Tribe and issued with such certificate by the Tahsildar, Saidapet on 24.01.1979. The petitioner was appointed as a attender in the second respondent Bank on 21.07.1983 and continued in the same post till his retirement. Upon completion of more than



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37 years of service, the petitioner got retired on 31.01.2019. That being so, on 28.01.2019, the second respondent Bank issued a memo that the community certificate verification is pending with the first respondent and the Bank has decided to withhold all the terminal benefits of the petitioner till the same is disposed of by the first respondent. The DSP, Vigilance Cell issued a notice to the petitioner calling for enquiry on 06.05.2021, which is not necessary to verify his community status after his retirement and the said exercise is one in futility as the petitioner had already retired from service and now, he is aged 63 years. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the first respondent and perused the materials available on record.

4. It is seen from the records that the petitioner retired from service on 31.01.2019 and he was sanctioned only with provisional pension. The other benefits have been withheld by the second respondent Bank. The petitioner was issued with the community certificate by the Tahsildar, Saidapet on



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24.01.1979. He joined service in the second respondent Bank on 21.07.1983 and continued in the same post till his age of retirement. After retirement of the petitioner on 31.01.2019, he was called for enquiry with regard to his community certificate on 06.05.2021. At this stage, verification of his community status will unsettle his living conditions. 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 has retired in the year 2019.

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



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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.

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 Tamil Nadu State Level Scrutiny Committee- III in proceedings No.12921/CV-6/2020-7, dated 28.01.2022. Accordingly, the impugned order passed by the first respondent is hereby set aside and the Writ Petition stands allowed. The 2nd respondent Bank is directed to extend all the terminal benefits to the petitioner in accordance with law. The said exercise shall be done within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. 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 tested by the



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respondent. No costs. Consequently, connected miscellaneous petitions are closed.

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(J.N.B., J.)

(N.M., J.)

11.01.2024

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

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To:

1. The Chairman,
Tamil Nadu State
Level Scrutiny Committee- III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai 600 009
2. The Deputy Zonal Manager and Zonal Head,
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J.NISHA BANU, J.,
and
N.MALA, J.,

sts

Order made in
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Dated:
11.01.2024