



WP(MD) No.6726 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

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THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.6726 of 2021

A.Ramalingam

... Petitioner

Vs.

1.The Regional Executive Director,
Southern Region, Airport Authority of India,
Operational Office Complex,
Chennai 600 027.

2.The Airport Director,
Madurai Airport, Madurai 625 022.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to cancel the punishment imposed against the petitioner vide their proceedings dated 31.08.2015 and 30.11.2015 and thereby reinstate the petitioner in service as Senior Attendant (Traffic) - SG in the 2nd respondent office in purview of the Community Certificate issued by the Revenue Divisional Officer, Thirumangalam vide his Proceedings in R.Dis.2860/2020/A1 dated 5.3.2020 and based on his representation dated 10.3.2020 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.C.Chrishtopher
for Mr.P.Mohanasundaram

For Respondents : Mr.C.Godwin

ORDER

The petitioner herein was appointed as Chowkidhar (Group D Employee) in the second respondent Airport Authority on 27.12.1988 under Scheduled Tribe category basing upon a Community Certificate dated 20.08.1980 issued by the then Deputy Tahsildar (Head Quarters). After the petitioner was appointed to the said post, when the petitioner was required to produce the original Community Certificate, he could not produce the same and because of the failure of the petitioner to produce the original Community Certificate, the respondents / Airport Authority initiated disciplinary proceedings alleging that the petitioner secured employment by fraudulent means and after conducting disciplinary proceedings, the petitioner was removed from service through proceedings dated 31.08.2015. Aggrieved by the said proceedings, the petitioner filed a Writ Petition in



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W.P.(MD)No.12090 of 2016 and the same is pending before this Court.

While so, the petitioner claimed to have approached the concerned Revenue Divisional Officer for issuance of a fresh Community Certificate and accordingly, he obtained a fresh community certificate on 05.03.2020 and approached the respondents Authority by submitting a representation dated 10.03.2020, by duly submitting the said Community Certificate dated 05.03.2020, requesting for reconsideration and for reinstating him into service. Complaining the inaction on the part of the respondents in considering the said representation dated 10.03.2020, the petitioner approached this Court by filing the present Writ Petition.

2. The respondents filed a counter affidavit contending that appropriate action has already been initiated on the representation submitted by the petitioner and the matter was also referred to the District Collector, Madurai for confirmation of the status of the petitioner and to ascertain the genuineness of the Community Certificate dated 05.03.2020 produced by the petitioner and report from the District Collector is awaited. It is also stated that the request of the petitioner made through representation dated 10.03.2020 is forwarded to the Central Head Quarters, New Delhi of the



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respondents Authority and the same is pending for consideration before the competent authority.

3. Today when the matter is taken up for consideration, it is brought to the notice of this Court by the learned counsel appearing for the respondents that in case of any dispute or doubt about the community status of the Scheduled Tribe community candidate, the matter has to be placed before the State Level Scrutiny Committee constituted under G.O.(2D)No. 108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007 and in case, if the State Level Scrutiny Committee clears the community status of the petitioner, the respondents authority may not have any objection for considering the request of the petitioner for reinstatement.

4. In the light of the above and in order to put a quietus to the matter, this Court is of the considered view that it would be in the interest of both parties to refer the matter to the State Level Scrutiny Committee constituted under G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007.



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5. In the circumstances, this Writ petition is disposed of directing the respondent No.2 to refer the issue pertaining to the community status of the petitioner to the State Level Scrutiny Committee constituted under G.O. (2D)No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007 together with connected materials within a period of three weeks from the date of receipt of a copy of this order and on submission of such reference, the State Level Scrutiny Committee is requested to examine and dispose of the same, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of a reference from the second respondent. The State Level Scrutiny committee shall put the petitioner on notice before passing any orders and the petitioner is also granted liberty to make appropriate representation if so desired within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

08.03.2024

NCC : Yes/No
Index : Yes/No

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MUMMINENI SUDHEER KUMAR, J.

vsm

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