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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD) No.865 of 2018

1. The Branch Manager
UCO Bank, Rajappa Nagar,
Thanjavur- 613 004.
2. The Zonal Manager
UCO Bank, Zonal Office
Vijay Towers, 1st Floor
No.22, Father Randy Street,
R.S.Puram, Coimbatore- 641 002

... Appellants

-vs-

1. L. Gunasekaran
2. The Chairman
The State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Government of Tamil Nadu, Fort St. George
Secretariat, Chennai- 600 009
(R2 impleaded vide Court order dated
11.07.2018, made in CMP No.6157 of 2018)

... Respondents



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Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.03.2018 passed by the learned Judge in W.P(MD) No.4224 of 2018 and allow the writ petition.

For Appellants : Mr. T.Govindasamy
For R1 : Mr.G.R.Sathish
For R2 : Mr. A. Kannan
Additional Government Pleader

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This Writ Appeal has been filed by the Bank challenging the order passed by the learned Single Judge in W.P(MD) No. 4228 of 2018 dated 26.03.2018 directing the settlement of retirement benefit to the writ petitioner/ bank employment whose community certificate was under cloud.

2. For the sake of convenience, the parties are referred to according to their litigative status before the writ Court.



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3. Learned counsel appearing for the appellants would submit that at the time of disposal of the writ petition, finality had not been arrived by the State Level Scrutiny Committee regarding the community status of the petitioner, but, now, after conclusion of enquiry, the State Level Scrutiny Committee/ Adi Dravidar and Tribal Welfare (CV-5) Department, Secretariat, Chennai-9, vide letter No.41108/CV-5/2016-10 dated 14.12.2020, having found that the petitioner/bank employee does not belong to Konda Reddi Community and that the certificate alleged to have been issued by the Tahsildar, dated 5.8.2021 is a bogus and fake one and was obtained by fraud, had directed the District Collector to confiscate the certificate furnished to the petitioner/bank employee and in such circumstances, the order of the learned Single Judge has to be set aside.

4. Learned counsel for the petitioner/bank employee would submit that the petitioner had filed a writ petition in W.P(MD) No.15687 of 2021 challenging the order of the State Level Scrutiny Committee and this Court had also granted interim stay of all further proceedings.



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5. The learned Additional Government Pleader would submit that after due enquiry, it was found that the said certificate produced by the petitioner at the time of joining the service was a fake one and he does to belong to Kondareddi community.

6. Heard the learned counsel appearing for the parties and perused the materials available on record.

7. Admittedly, the order impugned in this writ appeal is in favour of the petitioner/bank employee. However, as rightly pointed out by the learned Additional Government Pleader, after the order has been passed in the writ petition, the State Level Scrutiny Committee had rendered a finding that the petitioner had produced a fake certificate for obtaining employment and directed for confiscation of the certificate produced by him. However, such order has been stayed by this Court at the instance of the petitioner/bank employee and thus, the finding rendered by the State Level Scrutiny Committee is at stake. In view of the development that had taken place and the present scenario, while we cannot sustain the order passed by the learned Single Judge, we are of the considered view that it may not be appropriate to



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decide about the entitlement of the petitioner/bank employee for settlement of his retirement benefits at once as the dispute with regard to the community certificate produced by the petitioner has, now, become a subject matter of the subsequent writ petition filed by the petitioner/bank employee and thereby, it would be decided on the basis of the final outcome of such a lis.

8. With the above observation, the writ appeal is allowed and the order passed by the learned Single Judge is set aside. No costs.

[A.D.J.C., J.]

[K.R.S., J.]

01.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

The Chairman
The State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Government of Tamil Nadu, Fort St. George
Secretariat, Chennai- 600 009



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A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

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