



**W.M.P.(MD)No.19839 of 2019
and Rev.Aplw.(MD)SR.No.72580 of 2019**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.M.P.(MD)No.19839 of 2019
and
Rev.Aplw.(MD)SR.No.72580 of 2019**

- 1.Union of India,
Rep. By its General Manager,
Southern Railway,
Chennai – 600 003.
- 2.The Workshop Personal Officer,
Personal Branch,
Southern Railway,
Ponmalai,
Trichirappalli.

... Petitioners

-VS-

- 1.J.Vimala
- 2.The Tamil Nadu State Level Scrutiny Committee,
Represented by its Chairman and Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai – 600 009.
- 3.The Director of Tribal Welfare Department,
Chepauk, Chennai – 600 009.
- 4.The Joint Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai – 600 009.



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5.The Deputy Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George, Chennai – 600 009.

6.The Deputy Superintendent of Police,
Social Justice and Human Rights Unit,
District SC/ST Vigilance Cell,
Armed Forces Compound,
Opp.: New Bus Stand,
Pudukkottai.

... Respondents

PRAYER in W.M.P.(MD)No.19839 of 2019: Petition filed under Under
Section 151 of Civil Procedure Code, to grant leave to the petitioner to file
present Review Petition.

PRAYER in Rev.Aplw.(MD)No.SR72580 of 2019 : Review Application filed
under Order 47 Rule 1 r/w. Section 114 of Civil Procedure Code, to review
the order dated 27.06.2018, passed in W.P.(MD)No.11535 of 2018 and set
aside the same.

For Petitioners	:	Mr.K.Govindarajan Deputy Solicitor General of India For Mr.S.Manohar
For 1 st Respondent	:	Mr.Sanjay Vignesh

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Mr.Sanjay Vignesh, learned counsel takes notice for the 1st



**W.M.P.(MD)No.19839 of 2019
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respondent.

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2.We do not find any merit in the petition. The first respondent herein had served the petitioners as an Office Clerk. She was recruited to the said post under the reservation available to Schedule Tribe candidates on the basis of the certificate produced by her showing that she belongs to Hindu Kattu Nayakkan, which is a Scheduled Tribe Community. The said Community certificate was sent for verification and the same was held to be not genuine, on the ground that it was issued by the Head Quarters Deputy Tahsildar, by the proceedings of the Joint of Secretary to the Government, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu, dated 02.08.2012 and the proceedings of the first respondent, namely, Tamil Nadu State Level Scrutiny, dated 28.10.2015. These proceedings were subject matter of challenge before this Court in W.P. (MD)No.11535 of 2018 and the Hon'ble Division Bench of this Court allowed the Writ Petition, by an order dated 27.06.2018 and held that certificate issued by the Tahsildar prior to 1989 is valid.

3.Having declared the certificate as valid, this Court also issued a direction to the employer, the petitioner herein to pay pensionary and terminal benefits. It is this order, which sought to be challenged by the employer. This conduct of the employer is quite amusing. On the basis of



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the certificate, the employer offered employment to the first respondent and that certificate was sought to be cancelled by the authorities, who had issued the certificate and the verifying authorities. The proceedings of the verifying authorities, namely, State Level Committee was set aside by this Court and certificate was held to be genuine. Once the certificate is held to be genuine, it is the duty of the employer to treat the employee as an employee for all practical purpose and pay the dues to the employee.

4.The only grievance of the petitioner is that they were not heard before issuance of the direction.

5.An occasion for hearing the employer in cases relating to verification of community certificate does not arise at all. It is between the employee concerned and the certificate verifying authority. The employer is bound by the decision of the Court or certificate verifying authority. Hence, we see no merit in this petition hence, this Petition is dismissed and the Review Application is rejected in SR stage itself.

6.Though the employee namely, the first respondent has retired as early as on 2016 her terminal benefits remained unpaid till today. This conduct on the part of Railway Administration is most reprehensible. The Railway Administration will pay the terminal benefits with 12% interest per



**W.M.P.(MD)No.19839 of 2019
and Rev.Aplw.(MD)SR.No.72580 of 2019**

annum from the date on which it become due till the date of payment. No

Costs.

**[R.S.M., J.] [L.V.G., J.]
16.10.2024**

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn



**W.M.P.(MD)No.19839 of 2019
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