



WP.No.108 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**
AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WP No. 108 of 2025

and

WMP No.128 of 2025

R.T.Babu

.... Petitioner

Vs

1. The Chairman,
State Level Scrutiny Committee
and Secretary,
Adi Dravidar and Tribal Welfare Department
Fort St. George, Chennai-9.
2. The Regional Manager,
Oriental Insurance Company Limited,
Regional Office, 3rd floor, Cheran Towers,
No.82, Government Arts College Road,
Coimbatore-18.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a writ of Mandamus, forbearing the 1st respondent from
verifying the petitioner's community status in view of the petitioner's
retirement on 31.08.2022 and the 2nd respondent to forthwith release pension



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along with commutation, gratuity, earned leave encashment and other admissible terminal benefits by duly confirming his services.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.Vadivel Deenadayalan
Additional Government Pleader for R1
R2-No Appearance

ORDER

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

The petitioner seeks a Mandamus restraining the State Level Scrutiny Committee from conducting an enquiry into the communal status of the petitioner.

2. The petitioner, who was favoured with the certificate to the effect that he belongs to “Kondareddis” a Scheduled Tribe community on 12.09.1978 by the jurisdictional Tahsildar. The petitioner was appointed as a General Insurance Marketing Trainee with the 2nd respondent-Insurance Company on 29.07.1988. The certificate of the petitioner was sought to be verified and the District Collector, Salem cancelled the certificate by order



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dated 16.10.1999. The petitioner challenged the order of the District Collector before the State Level Scrutiny Committee and a communication was issued by the State Level Scrutiny Committee on 05.08.2005 requiring the petitioner to appear for the hearing of the appeal against the order of the District Collector. It is at this stage, the petitioner approached this Court seeking a writ of Certiorari to quash the proceedings of the District Collector dated 16.10.1999 [the cancellation] and the notice dated 05.08.2005 issued by the State Level Scrutiny Committee. A Division Bench of this Court, by its order dated 16.08.2005 allowed the writ petition, quashed the orders of the District Collector and also terminated the proceedings before the State Level Scrutiny Committee. Liberty was given to the appropriate Committee to cause verification of the certificate issued to the petitioner. Complaining that nothing happened thereafter, the petitioner is before us seeking the mandamus as stated supra.

3. A status report has been filed by the Chairman of The State Level Scrutiny Committee. It is stated therein that the employer sought for verification of the Certificate on 19.12.2018 and the matter was forwarded to



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the District Vigilance Cell, Salem and the enquiry report of the District Vigilance Cell is awaited. The status report does not indicate as to whether an enquiry has been commenced or not. A Division Bench of this Court even while setting aside the earlier order of cancellation by the District Collector as on 16.08.2005 given liberty to the State Level Committee to conduct the verification. The same was not done. In the interregnum, the petitioner who had rendered nearly 34 years of service was superannuated in August 2022. In SLP.(C) No.24458 of 2019 dated 03.03.2023 [*Union of India and another Vs. S.Renuka and others*], the Hon'ble Supreme Court has held that the exercise of verification after retirement would be only academic. The Hon'ble Supreme Court also directed closure of the proceedings. We find that this judgment of the Hon'ble Supreme Court was also followed by a Division Bench of this Court in *Manoharan Vs. Chairman, State Level Scrutiny Committee* [WP.No.12118 of 2023] and it was held that the conduct of an enquiry after retirement would only be a wasteful exercise.

4. In view of the above, we see force in the contention of Mr.V.Vijayashankar, learned counsel appearing for the petitioner that any enquiry that is to be conducted will be only academic. We therefore find that



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the petitioner is entitled to the relief as sought for.

5. This writ petition stands allowed. There will be a Mandamus forbearing the first respondent from conducting any enquiry on the communal status of the petitioner.

6. Despite service of notice, the Insurance Company is not appearing. There will be a direction to the Insurance Company to disburse the retiral benefits of the petitioner within a period of two(2) weeks from the date of receipt of a copy of this order either from this Court or from the counsel for the petitioner. If the retiral benefits are not paid over to the petitioner within a period of two(2) weeks, the second respondent-Insurance Company will pay interest on the retiral benefits at the rate of 24% per annum from the date of retirement till the date of payment. The Insurance Company shall issue appropriate confirmation order and payment.

7. Since the petitioner's certificate has not been verified, the petitioner's legal heirs or blood relatives will not be entitled to the certificate that they belonged to "Kondareddis", a Scheduled Tribe community on the



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basis of the certificate issued to the petitioner. If they want to seek a certificate to that effect, they will have to establish that they belonged to “Kondareddis” a Scheduled Tribe community independent of the certificate issued to the petitioner. No costs. Consequently, connected WMP is also closed.

[R.S.M., J] [C.K., J]
22.01.2025
(2/2)

Index : No

Internet: Yes

Speaking Order

NCC : No

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To

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