



WEB COPY



W.P.No.906 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.906 of 2025

and

W.M.P.Nos.1089 & 1091 of 2025

1.D.Lakshmi

2.D.Saranya

3.D.Sowmiya

... Petitioners

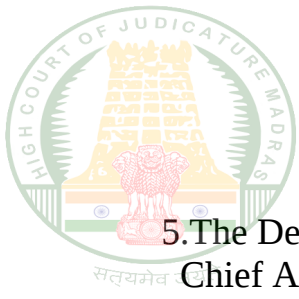
Vs.

1.The State Level Scrutiny Committee - III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai - 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai.

3.The Deputy Superintendent of Police,
District Crime Register Hall,
(Incharge) Social Justice and Human Rights Unit,
Adi Dravidar and Tribal Vigilance Unit,
Namakkal District.

4.The General Manager,
Souther Railway,
Chennai.



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5. The Deputy Financial Advisor and
Chief Accounts Officer,
Workshop and Stores,
Southern Railway, Golden Rock,
Trichy - 620 004.

... Respondents

PRAYER: Writ Petition Filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent made in Letter No.11280/CV-4(2)/2021-3 dated 02.01.2023 and Letter No.11280/CV-4(2)/2023-8, dated 27.11.2023 and Vigilance Cell report Na.Ka.No.129/Ka.Thu.Ka/SC/STCell/ NKL/2015 dated 10.04.2023 on the file of the 3rd respondent and quash the same and consequently refrain the respondents from making verification into the deceased petitioner's husband community certificate and consequently direct the 4th respondent to settle the terminal benefits, pension, including family pension, Gratuity, Earned Leave Encashment and other admissible pensionary benefits to the petitioners along with arrears.

For Petitioners : Mr.N.Naganathan

For Respondents 1 & 2 : Mr.Vadivelu Deenadayalan,
Additional Government Pleader

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

It is the claim of the petitioners is that an enquiry into the social status is sought to be held against a dead person.



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2. Originally the community certificate issued to one P.Durairaju was cancelled by the State Level Scrutiny Committee on 11.02.2021. That was put to challenge. Since it was conceded that the report of the District Level Vigilance Committee and report of the Anthropologist were not made available to the State Level Scrutiny Committee when it passed the order on 11.02.2021, we have by our order dated 13.10.2022 allowed the writ petition and directed re-enquiry, while doing so, we had specifically observed that the legal heirs of the petitioner viz., Durairaju who had died pending the earlier writ petition will cooperate with the State Level Scrutiny Committee for the conduct of the enquiry.

3. This writ petition is filed by the legal heirs challenging the notice issued for the enquiry pursuant to our direction.

4. Mr.N.Naganathan, learned counsel appearing for the petitioners would seek to rely upon the judgment of the Division Bench of this Court in ***K. Geetha Vs. The Tamil Nadu State Level Scrutiny Committee - II*** made in ***W.P.No.7337 of 2021*** dated ***21.11.2022***, wherein the State Level Scrutiny Committee had passed an order to the effect that the enquiry abates, since the



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person whose certificate was sought to be relied upon died during the pendency of the enquiry. The facts are slightly different. In the case on hand the enquiry was conducted and a conclusion was reached. That order was set aside due to the non- compliance with certain legal requirements. Therefore, the judgment in *K.Geetha Vs. The Tamil Nadu State Level Scrutiny Committee II* cannot form a precedent for the instant case.

5. Since we had already directed enquiry to be conducted, we do not think the State Level Scrutiny Committee can be prevented from continuing the enquiry.

6. Hence this writ petition is **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M.,J.) (C.K.,J.)
10.01.2025

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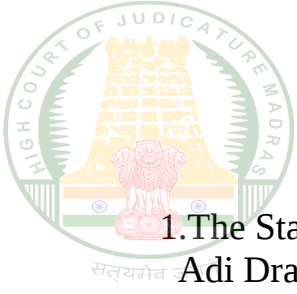
Index : No

Internet : Yes

Neutral Citation : No

Speaking order

To



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