IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.10093 of 2019

1.The Union of India,
Rep. by The Principal Chief Commissioner of Income Tax-TN,
Office of the Principal Chief Commissioner of Income Tax,
No.121, Nungambakkam, High Road, Chennai-34.

2.The Chief Commissioner of Income Tax,
No.2, V.P.Rathinawamy Nadar Road,
Bibikulam, Madurai-2.

3.The Zonal Accounts Officer,
No.2,V.P.Rathinasamy Nadar Road,
Bibikulam, Madurai-2.

4.The Joint Commissioner of Income Tax,
Shivaraj Building, Tower Junction,
Nagercoil Range, Nagercoil,
Kanyakumari. ...Petitioners

Vs

1.The Central Administrative Tribunal,
Chennai Bench, rep. by its Registrar,
City Civil Court Building,
High Court Complex, Chennai-104.

2.P.Malathi

3.The State Level Scrutiny Committee,
Rep. by the Chairman and Secretary to Government,

Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George, Chennai. ...Respondents

(R3 Impleaded as per order dated 22.07.2019 in W.M.P.18770/2018 in W.P.10093/2019)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 1st respondent viz., Central Administrative Tribunal, Chennai Bench in O.A.No.1658/2016 dated 30.05.2018 and quash the same.

For Petitioners	: Mr.V.Vijay Shankar
For 1st Respondent	: Tribunal
For 2nd Respondent	: Mr.B.Vishnuchelliya for M/s.Ajmal Associates

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition lies in a very short and narrow compass.

2. When the 2nd respondent herein, while serving as a Lower Division Clerk in the office of the Joint Commissioner of Income Tax, had reached the age of superannuation on 30.04.2016, she was permitted to retire, through an order dated 29.04.2016. However, the administrative approval of such retirement was withheld awaiting the outcome of the final orders to be passed by the State level Scrutiny Committee, Chennai, which is the competent

authority to examine and decide the genuineness of the Community status of the official. The challenge to the proceedings dated 29.04.2016 before the Central Administrative Tribunal, Chennai Bench (hereinafter referred to as 'the Tribunal') in O.A.No.1658 of 2016 was allowed on 30.05.2018. This order of the Tribunal is under challenge in the present Writ Petition.

3. Incidentally, the Tamil Nadu State Level Scrutiny Committee, Chennai, through its proceedings dated 21.10.2019, had declared that the 2nd respondent herein does not belong to Mannaan Community, which is classified as a Scheduled Tribe Community and therefore held that the community certificate issued by the Tahsildar, Kalkulam, Kanyakumari District, dated 06.01.1975 is not correct. When the 2nd respondent herein had challenged the proceedings of the State Level Scrutiny Committee before this Court in W.P.(MD).No.7424 of 2021, the Writ Petition came to be allowed by a Coordinate Bench of this Court on 21.08.2024, in the following manner:-

> *"The order of the State Level Scrutiny Committee declaring that the certificate issued to the petitioner to the effect that she belongs to Hindu Mannaan [மன்னான்], a Scheduled Tribe community in Kanniyakumari District, was held to be not genuine.*
>
> ***2.** The petitioner, who was born on 12.04.1956, was*

favoured with the certificate to the effect that she belongs to Hindu Mannaan, a Scheduled Tribe community by the Tahsildar, Thucklay, Kanniyakumari District, on 06.01.1975. She was appointed as a Lower Division Clerk in the Income Tax Department on 08.03.1979 and she retired on 30.04.2016. In the interregnum, the District Collector, Kanniyakumari District, by his proceedings dated 12.05.1989, cancelled the certificate issued to the petitioner. The same was re-affirmed by the District Collector, Kanniyakumari, on 25.07.1996.

3. *After the constitution of the Committee for verification of the community certificates, the Tahsildar, Kalkulam Taluk, conducted an enquiry and found that the petitioner in fact, belong to Hindu Mannaan, a Scheduled Tribe community. Thereafter, the matter was referred to the Tribal Research Centre at Udagamandalam. After an enquiry, the Tribal Research Centre submitted a report on 25.02.2015 and its conclusion reads as follows:-*

> *"The above narrated anthropological description about the studied community reveals that this particular Appellant Tmt.P.Malathi is having many characteristics of a Tribe Hindu Mannan."*

4. *The State Level Scrutiny Committee, however, based on the report of the Vigilance Enquiry, concluded that the petitioner does not belong to that community and declared the certificate as not genuine.*

5. *We have heard Mr.M.Ajmalkhan, learned Senior*

Counsel appearing for the petitioner; Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 to 4; and Mr.J.Parekh Kumar, learned Standing Counsel appearing for the fifth respondent.

6. *Mr.M.Ajmalkhan, learned Senior Counsel appearing for the petitioner would contend that once the blood relatives of the petitioner are issued with certificates to the effect that they belong to Hindu Mannaan, a Scheduled Tribe community, the certificate of the petitioner alone cannot be cancelled. He would also submit that the order of the State Level Scrutiny Committee is riddled with contradictions. The Committee, after referencing Edgar Thurston's Castes and Tribes of Southern India and the Census of India, 1931, Volume XXVIII, observed that Mannaans and Vannaans of Kanniyakumari District are one and the same. In the very next Paragraph namely, Paragraph 12, the State Level Committee observes that the individual's community traits match only those of the Vannaan community, not the Mannaan, a Scheduled Tribe community. Since the Committee had previously concluded that both communities are the same, the observations in Paragraph 12 are quite contradictory.*

7. *The report of the Director of the Tribal Research Centre at Udagamandalam as well as the certificates* *issued to the blood relatives have been completely overlooked by the State Level Scrutiny Committee.*

8. *In* ***State of Bihar vs. Sumit Anand*** *reported in* ***2005 (12) SCC 248****, the Hon'ble Supreme Court has held that once the certificates are issued to the near relatives or blood relatives, subsequent applicants cannot be denied certificates. The said principle has been followed by this Court in many cases of certificate verification, wherein it has been held once the certificates issued to the blood relatives are not cancelled, cancellation of the certificates of individuals without reference to those certificates, cannot be sustained.*

9. *Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 to 4 would however, vehemently contend that the State Level Scrutiny Committee has reached the conclusion based on the deposition of the petitioner before it and therefore, such conclusion cannot be lightly interfered.*

10. *Mr.J.Parekh Kumar, learned Standing Counsel appearing for the fifth respondent would adopt the argument of Mr.P.T.Thiraviyam, learned Government Advocate appearing for the respondents 1 to 4.*

11. *As we already pointed out, the order of the State*

Level Scrutiny Committee is self-contradictory. Having concluded that the Mannaans and Vannaans of Kanniyakumari District are one and the same, the Committee could not then determine that the petitioner belongs to the Vannaan community and not the Mannaan community. Once a community from a particular region is declared a Scheduled Tribe and the petitioner is recognized as belonging to that community, she cannot be denied the certificate, nor can the certificate be deemed invalid.

12. *The fact that the certificates of the brother and sister of the petitioner to the effect that they belong to Mannaan, a Scheduled Tribe community have not been cancelled also militates against the conclusion of the State Level Scrutiny Committee.*

13. *We also note that the petitioner, who joined as a Lower Division Clerk in 1979 and retired in 2016 after nearly 37 years of service, cannot be denied the benefits of her service on the basis of the laconic and erroneous order that has been passed by the State Level Scrutiny Committee. Hence, the Writ Petition will stand allowed and the order of the State Level Scrutiny Committee is set aside. There will be a direction to the fifth respondent to pay all the retirement benefits of the petitioner within a period of 12 weeks from the date of receipt of a copy of* *this order. No costs. Consequently, connected Miscellaneous Petitions are closed."*

4. It is now reported that the aforesaid order has become final. Thus, the only ground on which the administrative approval for permitting the 2nd respondent to retire from her services with effect from 30.04.2016 was withheld, has become redundant, in view of the orders passed by this Court in W.P.(MD).No.7424 of 2021. As such, there cannot now be any impediment for the petitioners to permit the 2nd respondent to retire from service and disburse her retirement benefits.

5. In the light of the above observations, the Writ Petition stands dismissed with a direction to the petitioners to comply with the orders of the Tribunal, within a period of one month from the date of receipt of a copy of this order. No costs.

(M.S.R.,J.) **(N.S.,J.)**
04.03.2025

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
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To

1.The Registrar,
The Central Administrative Tribunal,
Chennai Bench,
City Civil Court Building,
High Court Complex, Chennai-104.

2.The Chairman and Secretary to Government,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St.George,
Chennai.

M.S.RAMESH,J.
AND
N.SENTHILKUMAR,J.

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