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W.P.No.21769 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.21769 of 2025

N.Chandrasekaran

... Petitioner

-VS-

The Chief General Manager,
BSNL, Chennai Telephones,
78, Purasaiwalkam High Road,
Chennai-600 010.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondent to settle the terminal benefits, including gratuity, leave encashment on attaining the age of superannuation on 31.01.2020.

For Petitioner : Mr.N.Naganathan
For Respondent : Mr.S.Gopinathan
Standing Counsel

ORDER

*(Order of the Court was made by **J.NISHA BANU,J.**)*

This writ petition has been filed for a direction to the respondent to settle the terminal benefits, including gratuity and leave encashment on attaining the age of superannuation on 31.01.2020.

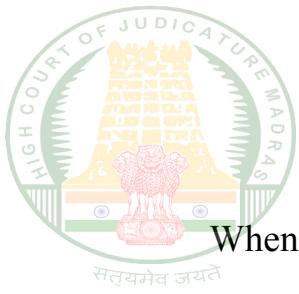


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2. The case of the petitioner is that he belongs to Konda Reddy

community, which is classified as Scheduled Tribe (ST) under the Constitution Scheduled Tribes Order, 1950 and he was issued with a certificate to that effect as early as on 07.06.1976. He joined India Post and Telegrams Department (BSNL) on 21.09.1979 as Junior Engineer (Civil) and after serving for more than 40 years, he opted for VRS on 31.01.2020. Though he was paid provisional pension, other benefits such as gratuity, encashment of leave salary, etc., were withheld merely on the ground of verification of community certificate pending before State Level Scrutiny Committee. According to the petitioner, it is a settled law that the terminal benefits cannot be retained, as the same falls under the category of property of an employee.

3. It is further case of the petitioner that in the absence of any disciplinary proceedings against the petitioner, the act of the respondent in not releasing the terminal benefits is highly arbitrary and even in the secondary school leaving certificate dated 01.02.1976, it has been clearly mentioned that the petitioner belongs to Hindu Konda Reddy community.



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When his community certificate was referred for verification on 19.06.2013 after 33 years of long service, he had challenged the said order before this Court in W.P.No.35035 of 2023, in which, this Court, by an order dated 15.12.2023, set aside the proceedings of the State Level Scrutiny Committee (SLSC). Even after disposal of the case, the respondent has not taken any steps to disburse the amount due to the petitioner. Having left with no other efficacious remedy, the petitioner has approached this Court.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

5. It is seen from the records that the petitioner joined the services of the India Post and Telegrams Department (BSNL) on 21.09.1979 as Junior Engineer (Civil) and was relieved on VRS on 30.01.2020. Even after several round of litigation, which ended in favour of the petitioner, the respondent has not taken any steps to settle the terminals benefits. This is not acceptable.



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6. The Apex Court in the case of **R.Sundaram vs. The Tamil**.

WEB CO **Nadu State Level Scrutiny Committee and Others dated 17.03.2023**, in

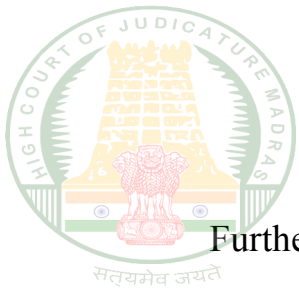
Paragraph No.16 held as follows:-

“16. It has been explicitly stated by this court that the exercise of verification of community certificate must be completed expeditiously. In the present case, however, as has been mentioned above, there has been an inordinate and unexplained delay of 19 years, an amount of time which cannot be fathomed, within the ambit of 'reasonable time'.”

7. In yet another case, the Supreme Court in the case of SLP(C) No.24458/2019 dated 03.03.2023, was pleased to hold as under:

“It is submitted that the respondent No.1 who served in the Railways has superannuated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe category. Considering the above, we deem it is appropriate to order for closure of the proceedings. Accordingly, the Special leave Petition stands disposed of.”

8. The decision rendered by the Supreme Court in the case of **Kumari Madhuri Patil vs. Additional Commissioner**, reported in **1995 AIR 94** weighs much importance in the case on hand, had elaborately dealt with the issue of community certificate and observed that as per Article 15(4) of the Constitution of India, it is for the State to make special provisions for advancement of Scheduled Castes and Scheduled Tribes.



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Further, it was observed that in the light of Article 16(1), equality of opportunity to all citizens in matters of appointments to an office or a post under the Union or a State Government or public undertakings etc., should be ensured. For that purpose, Article 16(4) empowers the State to make provisions for reservation of appointments or posts in favour of classes of citizens not adequately represented in the services under the State. The Hon'ble Supreme Court, in the said judgment while issuing certain guidelines, insisted that the community certificate in respect of SC/ST should be scrutinised at the earliest. For the sake of convenience, relevant paragraphs of the judgment are reproduced below:

“It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.
2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-



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castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (1) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (11) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates.

In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in overall charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also



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examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice.”

9. Keeping in mind the above judgment of the Apex Court, an

Office Memorandum was issued on 24.12.2020 by the Joint Secretary, Lok Sabha Secretariat. The the relevant portions of the Office Memorandum are extracted hereunder:

“...It is pertinent to mention that the Departments/Banks/PSUs have not adhered to the above mentioned guidelines of DoP&T and CVC and also it is not in conformity with the Hon'ble Supreme Court judgment delivered vide Kumari Madhuri Patil Vs. Addl. Commissioner in 1995 AIR 94, 1994 SSC (6) 241 Order dated 02.09.1994 *since this judgment can only be implemented in prospective.*



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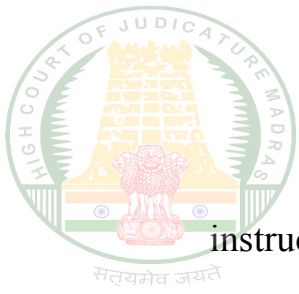
2. Here, it is pertinent to bring to your notice DoP&T OM no.230/08/2005-AVD II dated 25.05.2005, which clearly states the following:-

“Government has, therefore decided that a detailed verification of all such certificates produced before various appointing authorities since 1995 be carried. The CVOs are requested to initiate this task by collecting the details of all those who had been appointed in the Ministries/Departments or agencies including CPSUs with which they are concerned, since 1995 on the strength of ST certificates.

2. Keeping in view the above mentioned facts, it is requested that the concerned State Level Scrutiny Committee be directed to verify the ST caste certificates of only those employees who were appointed ***after the year 1995 and the process of verification should be completed within two months***. The Action Taken Report in this regard may be please be forwarded to this Secretariat at the earliest but not later than 18.02.2021 so that the same may be placed before the Committee.”

10. The above referred Office Memorandum makes it very clear that community certificates of employees, who were inducted into Government Service after 1995 can alone be subjected for scrutiny / verification. To be more precise, it is incumbent on the employers / authorities to conduct verifications ideally at the time of an employee's entry into service, so as to ensure the accuracy and integrity of personnel records.

11. In furtherance thereof, the Government of India, Ministry of Personnel, PG & Pensions, Department of Personnel and Training issued



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instructions dated 21.10.2022 to all State / UT Governments, insisting upon

the need for timely verification of Caste / Community certificates, indicating

as follows:

“3. In this regard, it is reiterated that the responsibility for the issue and verification of Caste Certificate lies with the concerned State / UT Government. The Hon'ble Supreme Court, vide its order dated 02.09.1994 in the matter of Kumari Madhuri Patil vs. Addl. Commissioner, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees by the State Government, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government.”

12. On a reading of the aforesaid instructions, it is apparent that the Government of India is very keen in curbing the wrongful entry of an employee in the Government Service based on the fake community certificate and issued instructions to all State / UT Governments for verification of the community certificates at the earliest point of time.

13. In an another Office Memorandum dated 30.11.2021, issued by the Government of India, Ministry of Personnel, PG & Pensions, Department of Pension & Pensioner's Welfare strictly instructed concerned Departments that unless departmental or judicial proceedings are pending against a retired employee, *the pensionary / retirement benefits due to the*



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***retiring employee should not be withheld or delay on the ground of
pendency of verification of caste certificate.***

14. In the Government Order dated 15.10.2012 issued by the Government of Tamil Nadu, constituting a District Level Vigilance Committee and State Level Scrutiny Committee to verify the genuineness of the community certificates, a time frame has also been fixed for completion of enquiry, which reads as follows:

“vii) The inquiry should be completed as expeditiously as possible preferably by day to day proceedings within such period ***not exceeding two months***. If after inquiry, the competent committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent / guardian and the applicant.”

15. In the light of various judgments of the Supreme Court and also the guidelines / instructions / GO issued by both Government of India and State Government, from time to time, we are of the view that the respondent cannot withhold the terminal benefits for years together in the garb of verification of community certificates, especially when there is a specific time frame fixed for completion of such verification.



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16. In this case, the petitioner was selected for the Government service in the year 1979 on the basis of the community certificate dated 07.06.1976 and was also relieved from service on VRS on 30.01.2020. We are of the view that the petitioner is entitled for the relief sought for.

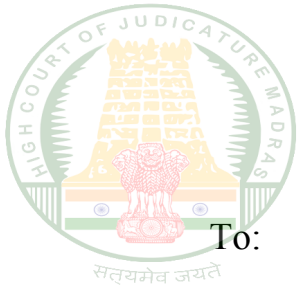
17. In the result, the Writ Petition is disposed of, directing the respondent to settle all the terminal benefits, including gratuity, leave encashment, etc., to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

(J.N.B.J.,) (M.J.R.J.,)
23.06.2025

Index: Yes / No
Internet: Yes / No
Speaking Order / Non Speaking Order
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J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.

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To:

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