

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).27721/2024

[Arising out of impugned final judgment and order dated 10-07-2023 in WP No.3539/2021 10-07-2023 in WP No.7599/2021 10-07-2023 in WP No.33826/2019 passed by the High Court of Judicature at Madras]

THE ASSISTANT GENERAL MANAGER (HRM) INDIAN BANK & ANR.Petitioner(s)

VERSUS

P.SELLADURAI & ANR.

Respondent(s)

IA No. 163139/2024 - CONDONATION OF DELAY IN FILING

IA No. 163138/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENTIA No. 35927/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 05-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE N.V. ANJARIAFor Petitioner(s) : Mr. Shiv Ram Sharma, AOR
Ms. Vasundhara Sharma, Adv.
Vishwaditya Sharma, Adv.For Respondent(s) : Mr. R C Mishra, Sr. Adv.
Mr. Santosh Kumar Pandey, AOR
Mr. Santosh Kumar Vishwakarma, Adv.
Mr. Alok Kumar Trivedi, Adv.
Mr. Mahendra Kumar, Adv.Mr. Balaji Subramaniam Aag, Adv.
Ms. G. Indira, AOR
Mr. P Gandepan, Adv.
Ms. Anjali Singh, Adv.
Ms. Yashi Jain, Adv.
Mr. Sachin, Adv.
Mr. Prince Kumar Insa, Adv.
Mr. Akash Kundu, Adv.UPON hearing the counsel the Court made the following
O R D E R

1. Heard learned counsel for the petitioners and learned counsel for respondent No.1.
2. The Special Leave Petition(s) is directed against the judgment

and order dated 10.07.2023 passed by the High Court of Judicature at Madras (High Court) allowing Writ Petition Nos.3539 of 2021, 7599 of 2021 and 33826 of 2019.

3. Respondent No.1 was an employee of the Indian Bank. He was appointed on 24.04.1984 in the said Bank on the basis of a Schedule Tribe Community Certificate dated 27.12.1983 issued by the Tehsildar (Forest Settlement), Attur.

4. Without entering into the details, it appears that on the basis of the findings recorded by the State Level Caste Scrutiny Committee dated 08.12.2020, an order was passed by the petitioners on 01.03.2021 declaring that the Community Certificate obtained by respondent No.1 was found not correct and cancelled by the State Level Caste Scrutiny Committee. Therefore, the appointment obtained on the strength of such Community Certificate dated 27.12.1983 was illegal and void. Accordingly, the order of appointment was cancelled with the declaration that respondent No.1 would not be entitled for payment of any benefit. It was also declared that the terminal benefits already released to respondent No.1 should be repaid.

5. At this stage, it may be mentioned that respondent No.1 had retired from service on attaining the age of superannuation on 30.09.2019. Both the decisions of the State Level Caste Scrutiny Committee as well as that of the petitioners are post-retirement of respondent No.1.

6. That apart we find that there is an inordinate delay of 260 days in filing the Special Leave Petition(s). Noticing the delay, this Court on 30.09.2024 had issued notice on the application

seeking condonation of delay as well as on the Special Leave Petition(s).

7. We may turn to the application for condonation of delay in filing the Special Leave Petition(s). Relevant portion of the aforesaid application reads thus:

"4. There is a delay of 260 days in filing the present special Leave petition. The Petitioner Bank came to know about the Impugned Order dated 10.07.2024 only on 15.04.2024 when the Respondent P Selladurai through his advocate served a legal notice upon the bank for payment of his retiral benefits. It is submitted that the Petitioner bank had no knowledge of the Impugned Order prior to the said legal notice."

8. On a perusal of the above, we are of the view that the same neither constitutes sufficient cause nor any justification for condoning the huge delay of 260 days.

9. Therefore, having regard to the peculiar facts of this case where respondent No.1 had already superannuated from service whereafter the orders dated 08.12.2020 and 01.03.2021 came to be passed, we are not inclined to entertain the Special Leave Petition(s) both on the ground of delay as well as on the merit. However, the question as to whether following an adverse finding of the State Level Caste Scrutiny Committee, termination of an employee from service is automatic or would require a further departmental proceeding is kept open to be considered in an appropriate case.

10. Special Leave Petition(s) is dismissed.

11. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)