PROCEDINGS OF THE SCRUTINY COMMITTEE FOR
VERIFICATION OF COMMUNITY CERTIFICATES

Present: 1) Smt.Sumana.N.Menon I.A.S
Secretary to Government - Chairperson
Scheduled Castes
Development Department, Kerala.

2) Dr.Bindu.S
Director - Member
KIRTADS

No.24245/G2/2012/SCSTDD 11.11.2013

Sub:- Kerala (Scheduled Castes and Scheduled Tribes) Regulation of issue
of Community Certificates Act, 1996 – Scheduled Caste (Kadaiyan)
claim of Sri.A.Balan, Tinsmith Gr.II (Rtd.), Section Electrical
Engineering (Pumps), Southern Railway, Palakkad Division
(Sarada Nivas, Kundamparambu, Vadavanur, Kollengode, Palakkad)–
Rejected, cancelling the Community Certificate - Orders issued.

2) Notice of even No. dated 07.03.2013.
3) Objection petition dated 16.04.2013 filed by the claimant.
Senior Divisional Personnel Officer, Southern Railway, Palakkad.
5) Letter dated 24.09.2013 of Sri.N.Chidambaran, 11/45, Athikuzhi,
Chittur P.O, Palakkad.

ORDER

1. The Expert Agency, under the Kerala (Scheduled Castes and Scheduled
Tribes) Regulation of issue of Community Certificates Act, 1996 submitted the
report read as first paper above, before the Scrutiny Committee for Verification of
Community Certificates, on the basis of the anthropological enquiry, conducted into
the real community status of Sri.A.Balan, on the basis of petition dated 09.11.2011

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of one N.Chidambaran. In the said report, the Vigilance Officer has narrated in unambiguous terms, the infiltration of the Kadachikollan Community inhabiting Kozhikkode, Malappuram and Palakkad Districts of Kerala, into Kadaiyyan community. He has relied on Chapter IV of the 'Samudaya Nirmaya Patanangal Series-II-2003' relating to infiltration of Kadachikollan community into Scheduled Caste (Kadaiyyan) community, edited and published by KIRTADS. After evaluation of the documents submitted by the claimant, during the anthropological enquiry, the Expert Agency has come to the conclusion that Sri.Balan belongs to Kadachikollan community, a sub group of Kollan community, which is enlisted in the Other Backward Community list of Kerala, coming under the generic form Viswakarma. The Expert Agency has clearly reported that Sri.A.Balan, the claimant, cannot be treated as a member of Hindu Scheduled Caste (Kadaiyyan) community.

2. The said report of the Expert Agency, was taken on file U/s.11(1) of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 (Act 11 of 1996 as amended by Act 32 of 2008; herein after referred to as Act 11 of 1996) and notice read as second paper above was issued to the claimant, Sri.A.Balan, along with copy of the report of the Expert Agency, and copies of documents submitted along with it, directing him to file objection, if any, in cancelling the Scheduled Caste (Kadaiyyan) community certificate issued to him, within fifteen days from the date of receipt of the notice. Simultaneously by letter of even No. dated 07.03.2013 the Divisional Manager, Southern Railway, Palakkad Division was requested to furnish the following informations/documents:

1) Whether the incumbent was appointed in the Southern Railways, against the quota reserved for Scheduled Castes and the date of appointment.

2) Whether he has received any benefit, exclusively meant for Scheduled Castes, at any point of time during his service.

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3) The date of his retirement from service.

4) Attested copies of the relevant page of S.S.L.C. Book, and Community Certificates, if any produced by the incumbent.

3. In response to the said notice, Sri.A.Balan, the claimant has filed the objection statement read as third paper above. In the said objection statement, he has pointed out that the complainant N.Chidambaran is none other than the son of Mr.Natarajan, referred to in Document No.5 appended to the enquiry report of the Expert Agency; who had, based on his claim as belonging to Kadaiyen community, received promotions as Tinsmith Gr.II and then to Gr.I, in Southern Railway, whereas the claimant Sri.A.Balan has never been given or received any benefit on the ground of his claim as Scheduled Caste, belonging to Kadaiyen community. In fact, his seniority in the category of Tinsmith, was superseded, on account of the claim by Mr.Natarajan as Scheduled Caste, as the required certificate had not been produced by him then.

4. It was also pointed out in the said objection statement that Mr.Natarajan and the claimant are sons of brothers. He submits that if Mr.Natarajan belongs to Scheduled Castes community by virtue of his claim as belonging to Kadaiyen community, no body can say that he is from a different community or caste so far as both are the offsprings of direct brothers Appu and Kuttu, referred to in the enquiry report of the Expert Agency. The claimant further submits that if he is to be treated as a Hindu (Kollan), Mr.Natarajan too is a Hindu (Kollan), who had received benefits of promotions on his claim as belonging to Scheduled Caste community. If the certificate issued in favour of the claimant by the Village Officer, Chittur, as belonging to Kadaiyen community, is to be cancelled, the claimant submits that steps must be taken to cancel the certificate issued in favour of Mr.Natarajan, as

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belonging to Kadaiyavan community, especially when he had received ever so many benefits and promotions, on account of such claim, and he had not been given any such benefits, granted to him.

5. He has also claimed in his objection petition that he was not recruited by Railway Service Commission to any reserved seats but regularised in service on account of his casual substitute service, based on the provisions of Railway Establishment Manual. He has requested to reject the report of the Expert Agency and to drop the proceedings initiated against him.

6. Meanwhile the Senior Divisional Personnel Officer, Southern Railway, Palakkad has furnished the information called for, vide his letter read as fourth paper above. In the said letter, the following information was furnished:

(a) The incumbent, Sri.A.Balan was engaged as casual labour in Electrical Department and he was screened and absorbed as regular Khalasi w.e.f 23.11.84, against O.C vacancy, vide office memorandum No.J/P.564/III Misc./Screening dated 24.11.84. In the memorandum granting him temporary status, his community was marked as O.C. His date of appointment is 23.11.1984.

(b) The claimant Sri.A.Balan has received benefits exclusively meant for Scheduled Castes, at a particular point of time, when he was promoted as Tech/III/Power against reservation vacancy. The details are:

   His promotion as Tinsmith III & II (Ex.Cadre post) was not against reserved vacancy. However it could be seen from the records that his promotion in his cadre post of Tech/III/Power is against Scheduled Caste reservation vacancy. But he had not worked in that (Cadre) post and retired as Tinsmith II (Ex.Cadre)

(c) He has retired from service on 31.03.2012.

(d) His educational qualification is first standard.

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Along with the said letter, true copies of the following documents, were also submitted:

i. School Certificate


7. The claimant was directed to appear before the Scrutiny Committee, on 29.06.2013 at 11:00 AM. The Expert Agency was also directed to be present at that time. The complainant Sri. Chidambaran, was also directed to appear before the Scrutiny Committee on that date.

8. On 29.06.2013, the authorised agent of the claimant, Sri.Gopakumar appeared. But the complainant did not turn up. The case was posted to 28.09.2013 for hearing.

9. On that day, the complainant did not appear, even after receipt of the notice on 25.07.2013. On that day, the claimant was present along with his Authorised Agent. The Committee recorded the statements of the claimant, his authorised agent and the authorised representative of the Expert Agency. The case was posted to 11.11.2013, for final hearing, after closing the evidence.

10. On 11.11.2013, the Authorised Agent of the claimant, Sri.Gopakumar appeared and filed the argument note. The complainant, Sri.Chidambaram has sent the letter read as fifth paper above, which was received by the Committee on 30.09.2013.

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11. The Committee considered the case, with reference to the relevant provisions of Act 11 of 1996 and relevant records and found as follows:

(i) The contention raised by the claimant in his objection petition that he had never been given or received any benefit, on the ground of his claim as Scheduled Caste (Kadaiyan) community, has no relevance in the question of verification of Community Certificate issued to him. The question whether he has received any benefit on the basis of his claim as a Scheduled Caste arises only when it is found that he has obtained the said benefit on the basis of a community certificate which does not show his real caste.

(ii) The demand raised by the claimant, in his objection petition, that if the community certificate issued in his favour is to be cancelled, steps must be taken to cancell the community certificate issued in favour of Mr. Natarajan, indicates that he does not mind cancelling the community certificate issued to him subject to the said condition. The said demand makes the claim of Sri. A. Balan doubtful.

(iii) In the argument note filed by the authorised agent of the claimant, the only contention raised, is that, the legal requirement as envisaged in Section 8 of the Act 11 of 1996 has not been fulfilled. Section 8 of Act 11 of 1996 provides that any person belonging to Scheduled Castes or Scheduled Tribes or any appointing authority or legal body or Heads of educational institutions can make an application to the Scrutiny Committee for verification of Community Certificates. The said Section does not insist that the

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Scrutiny Committee can exercise its power only in those cases in which applications are filed by the said entities. Section 11 of Act 11 of 1996 provides in unambiguous terms that the Scrutiny Committee may, either *suo-motu* or on a written complaint or report by any person or authority, call for the records and enquire into the correctness of such community certificates. In this case action was initiated by the Scrutiny Committee, on the basis of the report received from the Expert Agency, U/s.2(g) of Act 11 of 1996.

(iv) Along with the letter read as fourth paper above, the Senior Divisional Personnel Officer, Southern Railway, Palakkad Division, has produced copy of Certificate No. K.Dis.6214/80 dated 29.07.1980 of the Tahsildar, Chittur issued in favour of the claimant. In the said certificate it is seen recorded that the claimant belongs to Kadaiyyan caste which is recoganised as a Scheduled Caste under the Constitution (Scheduled Castes) Order, 1950. If the claimant did not want to get any benefit as being a Scheduled Caste, the reason for obtaining the said certificate and producing the same before his appointing authority is not properly explained.

(v) The report of the Expert Agency clearly reveals that he belongs to Kadachikollan community, a sub group of Kollan community, which is enlisted among the Other Backward Classes of Kerala. Eventhough, ample opportunity was afforded to the claimant, to adduce evidence to disprove the finding of the Expert Agency, he couldn't produce any evidence either to prove his claim or to disprove the finding of the Expert Agency.
(vi) On perusal of the letter of Sri.N.Chidambaran, read as fifth paper above, it is seen stated therein that he has filed a petition against the claimant because of his grudge towards the claimant, whose acts have caused hardships and difficulties to him. In the said letter he has demanded that the claimant and his family members may be given Scheduled Caste (Kadaiyan) community certificate.

12. The Scrutiny Committee felt that, the admission made by the complainant that he has filed the complaint because of the grudge towards the claimant requires examination and appropriate action against him, for which action will be pursued separately. The attempt made by the complainant to exploit the powers and the jurisdiction of a Statutory Committee constituted under the provisions of Act 11 of 1996 for his personal vendetta cannot be tolerated on any account. So also the Committee felt that the complainant has no locus standi to demand that Scheduled Caste (Kadaiyan) Community Certificate may be issued to the claimant and his family members. Eventhough he has withdrawn his complaint, it would not affect the legality of the proceedings initiated by the Scrutiny Committee U/s 11 of the Act 11 of 1996 in this case, on the basis of the report of the Expert Agency, in any way.

13. In the circumstance, the Scrutiny Committee has decided to reject the Scheduled Caste (Kadaiyan) claim of Sri.A.Balan, Tinsmith Gr.II (Rtd.), Section Electrical Engineering (Pumps), Southern Railway, Palakkad Division (Sarada Nivas, Kundamparambu, Vadavanur, Kollengode, Palakkad) and to cancell the Community Certificate No.K.Dis.6214/80 dated 29.07.1980 issued by the Tahsildar, Chittur to the claimant, as the said community certificate will come within the

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purview of Section 30 of Act 11 of 1996 and to take appropriate legal action against
the complainant who has filed a false complaint before the Scrutiny Committee.

14. The Scrutiny Committee has also decided to bring the said facts to the
notice of the Government for necessary action under the relevant provisions of Act
11 of 1996.

Dr.BINDU.S
Member
Scrutiny Committee for Verification
of Community Certificates
(Director, KIRTADS)

SUMANA.N.MENON I.A.S
Chairperson,
Scrutiny Committee for Verification
of Community Certificates.
(Secretary to Government
Scheduled Castes Development-
Department)

To.
1. The Secretary, Scheduled Castes Development Department.
2. Sri.A.Balan, (Formerly Tinsmith Gr.II, Section Electrical Engineering
(Pumps), Southern Railway, Palakkad Division) Sarada Nivas,
Kundamparambu, Vadavanur, Kollengode, Palakkad (By Registered Post
with A/D).
(By Registered Post with A/D).
4. The Divisional Personnel Officer, Southern Railway, Palakkad Division
(By Registered Post with A/D).
5. The Director, Scheduled Tribes Development Department,
Thiruvananthapuram. (Member, Scrutiny Committee for Ve-ification of
Community Certificates)
6. The Director, Scheduled Castes Development Department,
Thiruvananthapuram.
7. The Director, Information & Public Relations Department. (For Press
Release)
8. The District Collector, Palakkad (By Registered Post with A/D) (For
necessary action for substitution of real caste name of Sri.A.Balan in
the public records).
9. The Tahsildar, Chittur (By Registered Post with A/D).

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10. Stock File.
11. Office Copy.

Copy to:--

1) P.S. to the Hon'ble Minister (Welfare of Scheduled Castes and Backward Classes and Tourism)
2) P.A to the Secretary, SCDD.
3) P.A to Joint Secretary. (For uploading to the web-site)