



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P Nos.15904, 15907, 15908, 15910 and 15913 of 2019

and

WMP.Nos.29589, 29660, 29664, 29668, 29671, 15707, 15712,
15713, 15714 and 15716 of 2019

M.Manimegalai (F,39)
W/o V.Dheenadayalan,
7/113, Thoppu Street,
Melapadappai,
Kanchipuram District.

... Petitioner in WP.No.15904/2019

M.Sathya

... Petitioner in WP.No.15907/2019

M.Vijayakumar

... Petitioner in WP.No.15908/2019

M.Thiyagarajan

... Petitioner in WP.No.15910/2019

P.Suresh

... Petitioner in WP.No.15913/2019

Vs.

1. The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Backward Classes and Minorities Welfare Department,
Secretariat, Chennai -9.

2.The Principal Secretary /Commissioner,
for Backward Classes and Minorities Welfare,
Chepauk, Chennai -5.

3.The District Collector,



Kanchipuram District,
Kanchipuram.

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4.The District Backward Classes
and Minorities Welfare Officer,
Kanchipuram.

...

Respondents in all WPs

Prayer in All WPs: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records on the file of the 4th respondent pertaining to the order issued in Proceedings No.2329/W1/2014 dated 21.05.2019 and quash the same and to direct the respondents to issue appropriate orders of deemed declaration of completion of probation and to grant all annual increments, earned leave and pay revision with arrears thereon and to grant all consequential service and monetary benefits within a limited time frame.

In all Wps.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.Ayyadutharai

Government Advocate for RR1, 2 & 4.

: Mr.V.Umakanthm

Government Advocate for R3.

COMMON ORDER

These writ petitions have been filed to call for the records of the 4th respondent pertaining to the order issued in Proceedings No.2329/W1/2014 dated 21.052019 and quash the same and direct the respondent to issue appropriate



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orders of the declaration of completion of probation and grant all annual increments, earned leave and pay revision with arrears thereon and to grant all consequential service and monetary benefits within a limited time frame.

2. Heard, Mr.M.Ravi, learned counsel for the petitioner, Mr.Ayyadutharai, learned Government Advocate for RR1, 2 & 4 and Mr.V.Umakanthm, learned Government Advocate for R3 and perused the materials available on record.

3. The petitioners are said to be claiming the persons who were appointed as cooks in the year 2009 and whose services were regularized in the month of December 2011 with effect from their date of initial appointment.

4. It is submitted by the learned counsel for the petitioners that these petitioners have not been given the order to declare their completion of probation. They have not been given the benefits of annual increments, earned leave, pay revision, etc. It is further submitted that the petitioners and persons similarly placed have persuaded the 4th respondent to redress their grievances. But all of a sudden the pay was stopped on 1.5.2019 without any disciplinary proceedings. The 4th respondent had imposed the major penalty of dismissal from service on 21.5.2019 and issued it on 25.5.2019. The petitioners claim that they have been illegally terminated from service, and because of the loss of their jobs, their



livelihoods have been affected.

WEB COP 5. The learned government advocate appearing for the respondents submitted that these petitioners did not produce any certificate for verification, and they have not produced any certificates to show their educational qualification and the employment card, etc., during the personal inquiry made on 10.4.2019. They have simply stated that they have handed over all the original certificates along with the appointment order to the 4th respondent's office for opening the service register, which is unbelievable. So the learned government advocate for the respondents submitted that the petitioners have filed these writ petitions by concealing their own blunders and by telling lies. The petitioners attempted to mislead the Court by making untenable claims. The petitioners had falsified the records by colluding with one Naganathan, District Backward Classes and Minority Welfare Officer, Kancheepuram had cheated the government.

6. It is the categorical submission of the learned government advocate for the respondent government that the petitioners were not at all sponsored through the district employment exchange office, Kancheepuram, and their names are also found in the communal roaster register prepared for their appointments made in



the year 2011, and the employment exchange registration numbers in the service registers are not genuine.

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7. Since the records have been concocted and created with the help of one Naganathan, a criminal case has been registered in this regard. During the inquiry made on the representation of the petitioners, the petitioners were not even able to say who had appointed them as alleged.

8. The facts and the events disclosed in the counter affidavit of the respondents are very strange and it is surprising that the government departments can be cheated by individuals by creating records according to their whims and fancies.

9. The petitioners have not produced any records to show their very appointments; the court cannot pass any orders by issuing directions to the respondents to declare their probation and consequential service benefits. It is seen that a special team has been constituted by the 3rd respondent, comprising the District Revenue Officer, Kancheepuram; the District Inspection Cell Officer, Kancheepuram; and the Revenue Divisional Officer, Kancheepuram. During the meeting conducted by the district-level special team, a decision has been taken to inquire the petitioners in person, and they have been directed to appear before the



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team on 20.10.2014 along with their certificates. They were not able to produce any certificates, but they have stated that they have only produced the copies of the certificate in a week's time. Despite repeated opportunities were given, they were not able to produce either the original or the copies of the certificates. On 13.4.2015, they suddenly came and stated that the original certificates were handed over to the former District Backward Classes and Minority Welfare Officer, Kancheepuram, for opening and making entries in the service registers.

10. So the above statements made by the petitioners before the District Level Special Team appears to be only an afterthought. If they had really given the original certificates to the officer of the department to open their service registers, they would have stated this in the first instance on 20.10.2016, when they were inquired by the District Level Special Team. The former District Backward Classes and Minority Welfare Officer, Kancheepuram Naganathan was found to have made forged entries in the service register to appear that the persons were appointed during the year 2011, and their services have also been regularized subsequently. In view of the disciplinary action initiated against the said Naganathan, he was dismissed from service.

11. The stories cooked up by the petitioners did not end with the allegations



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that they handed over the original certificates. And they even stated that, in view of certain errors in the appointment order, they had handed over the original appointment order also to the officers of the respondent department in order to effect corrections. Petitioners appear to have been making false claims without any records but on the basis of the forged entries made in the government records by a fraudulent officer who has been dismissed from service subsequently.

12. Even in the last hearing when the matter was taken up, a specific order was passed to produce the original appointment order, but the same has not been produced even before this court till now. The cock-and-bull stories of the petitioners are not sufficient to make out a claim for appointment in the government department.

13. The learned counsel for the petitioner submitted that, leaving alone all the allegations of fraud in respect of the certificates and the entries made in the service register, the legality of the order of dismissal has to be considered in the writ petitions. He further submitted that the petitioners have not been given any show cause notice or any opportunity in accordance with the principles of natural justice before passing an order of dismissal, and the police inquiry has given a clean chit to the petitioners, and they have been dismissed from service as a



consequence to the dismissal of Naganathan.

WEB COPY 14. It is further submitted that it is unfair on the part of the respondent to invoke FR 54 without invoking 17(b) of the disciplinary rules. It is further submitted that if any action is taken, the action should be taken against all the delinquents together, and the action has been taken by the officer competent to initiate action. When the petitioners are not considered as the permanent employees who have been employed in accordance with the rules and all the records have been cooked up by the delinquent officer by name Naganathan by falsifying the charges, the petitioners cannot claim that they are entitled to get the benefits of inquiry under the discipline and service rules before their termination.

15. Just because the impugned order has referred to FR 54, for the reasons best known to the authority who drafted the order, the rest of the facts cannot be ignored by turning blind eyes to all the frauds executed in the matter of appointment. If the petitioners are genuinely affected due to any of the false hope given by any individuals, then the remedy is open to claim for compensation from the person who cheated them or initiate criminal action against him that cannot claim a government appointment as though they have been appointed in accordance with rules and regulations without substantiating the same. It has been



reiterated that the petitioners have not produced either their appointment orders or their original regularization order.

16. It is insisted by the learned counsel for the petitioner that all the petitioners have produced their regularization order dated 15.4.2013 and that order has not been cancelled subsequently. But the said proceedings are issued by the delinquent officer Naganathan, against whom the criminal case has been registered and who has been dismissed from service for having manipulated the records to his convenience and issued various proceedings like appointment orders, orders of regularization, and entries suiting his convenience in the Service Register. Such an order, which has been passed by a person, and such a fraudulent order passed by an individual cannot be given with. No legal validation can be given to such orders passed by a person by misusing his powers of office, and for the same reason, the petitioners cannot claim any employment benefit on the same.

In the result, these writ petitions stand **dismissed**. No costs. Consequently, the connected miscellaneous petitions are also closed.

27.03.2025



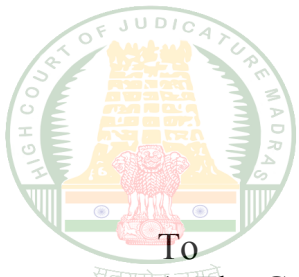
Index : Yes

Internet : Yes/No

Speaking/Non- Speaking

Neutral: Yes/No

jrs



To

1. The Government of Tamil Nadu,
Represented by Principal Secretary to Government,
Backward Classes and Minorities Welfare Department,
Secretariat, Chennai -9.

2. The Principal Secretary /Commissioner,
for Backward Classes and Minorities Welfare,
Chepauk, Chennai -5.

3. The District Collector,
Kanchipuram District,
Kanchipuram.

4. The District Backward Classes
and Minorities Welfare Officer,
Kanchipuram.



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