



WEB COPY

WP No. 11240 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 11240 of 2026
AND WMP NO. 12256 OF 2026**

V.Kumar
S/o. Vardharasu,
Supervisor Gr. III (Retired)
No. 28 Rajiv Gandhi Street,
Senthamarai Nagar,
Muthialpet, Puducherry 605 003

..Petitioner(s)

Vs

1. The Chairman
PKVIB/ Commissioner cum Secretary (Ind.
and Com.),
Puducherry
2. The Chief Executive officer
Puducherry Khadi and Village Industries
Board,
No. 1 and 2, Kamaraj Salaim
New Saram, Puducherry

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records which culminated in issuing order passed by the 2nd respondent in No. PKVIB/ BGT/ 547/ 2013 (Part) dated 4.04.2025 quash the same and consequently direct the respondents to pay the with held amount of 1 years deducted amounts and other monetary benefits to the petitioner.



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For Petitioner(s): Mr.Nithyanandan

For Respondent(s): Mr.G.D.Jearany
Government Pleader (Puducherry)**Order**

This writ petition has been filed for the following relief:

“To issue a Writ of Certiorarified Mandamus calling for the entire records which culminated in the issaunce of the order passed by the 2nd respondent in No. PKVIB/ BGT/ 547/ 2013 (Part) dated 4.04.2025 to quash the same and consequently direct the respondents to pay the withheld amount of one year’s deducted amounts and other monetary benefits to the petitioner.”

2. The petitioner retired from service in the cadre of Supervisor Grade III/Instructor on 31.05.2024. One Paramadayalan and Selvakumar, Jeyakanthan, General Secretary, Bharatha Makkal Saasana Urimai Iyakkam, Puducherry, had made petitions on 25.05.2024, 27.05.2024, 31.05.2024 and 01.07.2024 respectively alleging unauthorized erasers and corrections in the petitioner’s date of birth in the service book and other service records which had resulted in the petitioner gaining one year of additional service. The said allegations were made with reference to the



irregularities in the service book and other records. The allegations were as follows:

- i) The first page of the service book contained erasures and corrections in respect of the date of birth, which appears to have been erased and corrected as 14.05.1964.*
- ii) The official's name and father's name in the service book also contained erasures and corrections.*
- iii) The date of birth entry in the attestation form contained erasures and corrections.*
- iv) The birth certificate recorded the date of birth as 14.05.1964.*
- v) However, no request had been made by the petitioner nor had any approval been obtained from the competent authority for the change of the date of birth.*
- vi) The transfer certificate showed the date of birth as 19.05.1963.*
- vii) However, the transfer certificate submitted at the time of the pension application recorded the date of birth as 14.05.1964.*
- viii) According to the complainants, the above discrepancies indicated tampering of records by the petitioner.*

3. On the basis of these petitions, the 2nd respondent had passed an order upholding the petition insofar as it related to the correction of the date of birth and directed that the petitioner's actual date of retirement be recorded as 31.05.2023 and that the one year service rendered from 01.06.2023 to 31.05.2024 be treated as unauthorised / invalid on the ground that the date of birth was 19.05.1963. As a sequel, recovery of one year's salary and other benefits were ordered as also the recalculation



of the gratuity, earned leave encashment and other benefits were also directed. The order further directed the Accounts Section to determine the exact amount and deduct the excess salary and other benefits drawn by the petitioner.

4. The allegation of bribery levelled against the petitioner was rejected as it lacked merit and it was also held that the allegation had been made with ulterior motive. The petitioner is aggrieved by the fact neither a show cause notice was issued nor an enquiry held before the order was passed. The petitioner had not been afforded an opportunity to submit his explanation and without hearing him, the order has been passed. Therefore, the petitioner has come forward with the present writ petition.

5. Heard the learned counsels on either side and perused the materials available on record.

6. A mere perusal of the order in question would clearly show that the petitioner has not been given an opportunity to submit his explanation, since no show cause notice was issued nor was the petitioner given notice of the petitions filed by the above referred persons.



7. Therefore, without going into the merits or otherwise of the order, since the principles of natural justice have not been followed, the impugned order is set aside and the matter is remitted back to the 2nd respondent for fresh consideration with the following directions:

- a) The 2nd respondent shall issue notice to the petitioner and the complainants calling them for an enquiry.*
- b) The 2nd respondent shall give a personal hearing to all parties concerned and permit them to submit documents in support of their contentions.*
- c) After hearing either parties and examining the documents, the 2nd respondent shall pass a detailed order.*
- d) The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.*

8. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

26-03-2026

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



To

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