2026:MHC:4634

Order QR

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2026

Case QR

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 31984 of 2022

CNR:{HCMA011920882022}

K.Manavalan

..Petitioner(s)

Vs

1. The General Manager
   Food Corporation of India, Chennai-6.

2. The Manager (Pension)
   Food Corporation of India, Regional Office,
   No.8, Sathyamurthy Road, Chetpet,
   Chennai-31.

3. The Area Manager,
   Food Corporation of India, Divisional Office,
   Coimbatore.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to forthwith release the accumulated balance under the Contributory Provident Fund (CPF) and release the pension payable to the petitioner from February 2018 under the Family Pension Scheme (FPS) and Gratuity, Earned Leave Encashment and arrears of salary in the revised pay scale from 01.10.2017 onwards along with interest at 12% annum from February 2018.

For Petitioner(s): Mr.V.Vijay Shankar

For Respondent(s): Mr. Su. Srinivasan
Standing Counsel

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to forthwith release the accumulated balance under the Contributory Provident Fund (CPF), the pension payable to the petitioner from February 2018 under the Family Pension Scheme (FPS), gratuity, earned leave encashment, and arrears of salary in the revised pay scale with effect from 01.10.2017, together with interest at the rate of 12% per annum from February 2018.

2. The brief facts, which are necessary for the disposal of the present Writ Petition, are that the petitioner entered service as a Junior Engineer in the first respondent Corporation in the year 1981. He continued in service for 37 years, until 18.01.2018. Subsequently, on account of submission of a false community certificate, he was terminated from service. It is his contention that, notwithstanding his termination, he is entitled to the accumulated balance under the Contributory Provident Fund, pension under the Family Pension Scheme, gratuity and earned leave encashment. In this regard, the petitioner submitted various representations to the respondents; however, the respondents did not respond to the same. Hence, the present Writ Petition has been filed.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The learned counsel for the petitioner, with his usual dexterity, would contend that the petitioner had rendered 37 years of service and that the amounts sought to be recovered from him but are only his own savings. It is his contention that earned leave encashment and gratuity are derived from the portion of his salary that has been set apart over the past 37 years. He would also rely upon Section 10 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, and contend that the Provident Fund amount cannot be attached for any reason. In support of his contention, the learned counsel for the petitioner relied upon the judgments in ***Secretary to Government v. K.Palaniyandi***, reported in ***2019 SCC OnLine Mad 40185***; ***State of Jharkhand v. Jitendra Kumar Srivastava***, reported in ***(2013) 12 SCC 210***; and ***District Registrar v. Ramani***, in ***W.A.No.2572 of 2022, dated 25.03.2024.***

5. Per contra, the aforesaid contentions were stoutly opposed by the learned Standing Counsel appearing for the respondents and would contend that the petitioner does not belong to the Scheduled Tribe community and that he belongs to the Hindu Reddiar community, which is recognised as a forward community. When the community status of the petitioner was challenged, the

https://www.mhc.tn.gov.in/judis

WEB COPY

same was ultimately examined by the State Level Scrutiny Committee, which found that the petitioner does not belong to the Scheduled Tribe community. The said finding was also confirmed by this Court and has attained finality. Based upon the aforesaid findings, the petitioner was terminated from service on 18.01.2018. It is his contention that, since the appointment was secured on the basis of a false community certificate, the same would become void ab initio. Therefore, the petitioner is not entitled to any of the reliefs sought for in the present Writ Petition.

6. I have given my anxious consideration to the submissions made on either side.

7. The learned counsel for the petitioner relies upon the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, and the judgments in ***K.Palaniyandi*** (cited supra), ***Jitendra Kumar Srivastava*** (cited supra) and ***Ramani*** (cited supra). All those above cases arising out of diciplinary proceedings on account of their other type of delinquency, and that the services rendered by the respective employees were held to be valid until the date of termination. Only in that context, the Courts held in the above reported judgement that earned leave encashment and other benefits would constitute as property, therefore, the same could not be denied in the absence of any rule. At this juncture, it is relevant to mention that even one distinguishing fact may

https://www.mhc.tn.gov.in/judis

WEB COPY

make a world of difference. Therefore, unless the factual position in the precedents cited by the petitioner is identical to that of the issue before this Court, the decisions rendered in a different set of facts cannot be mechanically applied. In this regard, it is relevant to refer to the judgment of the Hon'ble Supreme Court in ***Bharat Petroleum Corporation Ltd. v. N.R. Vairamani***, reported in ***(2004) 8 SCC 579,*** wherein it has been held that even one different fact may make world of difference.

8. Now, let us consider the relief to which the petitioner would be entitled in the present Writ Petition. In this regard, this Court would like to refer to the judgment of the Hon'ble Supreme Court in ***Food Corporation of India and Others v. Jagdish Balaram Bahira and Others***, reported in ***(2017) 8 SCC 670,*** which arose out of a case involving the same Corporation, where the petitioner herein served. After referring the above judgement, the Full Bench of this Court in ***R.Gurusamy v. Tamil Nadu State Level Scrutiny Committee***, (W.P.No.23827 of 2025 etc. batch, dated 30.07.2026), has delineated the principles emerging from the said judgment. For ready reference, the relevant paragraph of the judgment in ***R.Gurusamy*** (cited supra) is extracted hereunder:-

> *"8.1. The foundational ruling that completely governs the issues before us is the Supreme Court's decision in Food Corporation of India (supra). The Supreme Court laid down several non-negotiable propositions, such as:*
>
> *(a) An appointment secured against a post reserved for a Scheduled Caste or Scheduled Tribe by a person who does not*

https://www.mhc.tn.gov.in/judis

WEB COPY

belong to that community is a total nullity from its inception. It is no appointment in law, and the employee cannot claim the protection of Article 311 of the Constitution;

(b) The services of a person who obtained an appointment through a false certificate cannot be protected, nor can they be reinstated or insulated simply because they offer an undertaking that they or their family members will not claim reserved benefits in the future. To accept such an undertaking would be to validate a fraud on the Constitution;

(c) Protecting the service or benefits of a person found to belong to a non-reserved category would be akin to "allowing a thief to retain stolen property." Equity, compassion, and administrative delay cannot be pleaded to sustain a benefit that was stolen from a genuine marginalized candidate; and

(d) When the entry into public service is secured through a false social status claim, it represents a fraud on the Constitution itself. Because such an appointment is a total nullity ab initio, the protective cover of Article 311 cannot be invoked."

(Emphasis supplied)

9. In ***Food Corporation of India*** (cited supra), the Hon'ble Supreme Court has held that an appointment secured on the basis of a false community certificate is void ab initio and constitutes a non-appointment in the eyes of law. The Hon'ble Supreme Court has also ultimately held that the protective umbrella under Article 311 of the Constitution of India would not apply. For ready reference, this Court deems it appropriate to extract the relevant portions of the judgment in ***Food Corporation of India*** (cited supra), which read as follows:-

https://www.mhc.tn.gov.in/judis

WEB COPY

"25. In Bank of India v. Avinash D. Mandivikar, (2005) 7 SCC 690 the first respondent obtained an appointment in the service of the bank in October 1976 on a post reserved for the Scheduled Tribes. The Scrutiny Committee found that he did not belong to a Scheduled Tribe and, therefore, invalidated the caste certificate. Following the termination of his services the first respondent moved the High Court which accepted his plea that the initiation of proceedings against him by the Scrutiny Committee for verification of the caste certificate in 1987 was beyond a reasonable period. The High Court, while allowing the plea, reinstated [Avinash D. Mandivikar v. Bank of India, (2002) 3 CLR 997 (Bom)] him in service with back wages. ***In an appeal by the employer, this Court held that once a claim of the employee to belong to a Scheduled Tribe had been rejected, the employment was "no appointment in the eye of the law" and that he had "absolutely no justification for his claim" in respect of the post he usurped.*** *Distinguishing the directions issued in State of Maharashtra v. Milind, (2001) 1 SCC 4 (under Article 142), this Court held that : Bank of India v. Avinash D. Mandivikar, (2005) 7 SCC 690 SCC p. 698, para 10:*

...

31. The following decisions of this Court, the act of obtaining a benefit reserved for designated castes, tribes and classes by an individual who does not belong to the designated community on the basis of a false caste claim, has been held to constitute an egregious violation, even a fraud on the Constitution:"

(Emphasis supplied)

10. It is relevant to mention that, in the case in hand, the very act of the petitioner in submitting a false community certificate amounts to fraud played upon the Constitution. By producing a false community certificate, the

https://www.mhc.tn.gov.in/judis

WEB COPY

petitioner has effectively usurped an appointment which was meant for a person belonging to the Scheduled Tribe community. It is a well-settled principle of law that fraud vitiates everything.

11. In this regard, the judgment of the Full Bench in ***R.Gurusamy*** (cited supra), particularly paragraph 16(d), is relevant, which reads as follows:-

> *"16 (d) The State shall not accept simple undertakings, such as promising that the employee's progeny will not claim future reservation benefits, as a mechanism to preserve accrued retiral benefits or insulate careers built on active misrepresentation.* ***Allowing a candidate to retain benefits stolen from genuine marginalized individuals is legally untenable and equivalent to allowing a thief to retain stolen property. "***
>
> (Emphasis supplied)

12. From the above discussion, what emerges is that, though the petitioner had served for 37 years, his appointment is a non-est in the eyes of law, as the same is void ab initio. Further, on account of the fraud committed by the petitioner, whatever rights he may have acquired stand vitiated. To put it precisely, granting any relief to the petitioner in the present Writ Petition would amount to permitting a person who has usurped an appointment meant for a member of the Scheduled Tribe community, to retain the benefits arising therefrom, which cannot be permitted at any stretch of imagination. Therefore, this Court is of the firm view that the petitioner does not deserve any relief from this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

13. Accordingly, the present Writ Petition is dismissed. No costs.

18-11-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KV

To

1. The General Manager
Food Corporation of India,
Chennai-6.

2. The Manager (Pension)
Food Corporation of India, Regional Office,
No.8, Sathyamurthy Road,
Chetpet, Chennai-31.

3. The Area Manager,
Fodo Corporation of India,
Divisional Office, Coimbatore.

https://www.mhc.tn.gov.in/judis

2026:MHC:4634

Order QR

WEB COPY

C.KUMARAPPAN J.

KV

WP No. 31984 of 2022

18-11-2026

https://www.mhc.tn.gov.in/judis