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WP(MD) NO. 22530 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

<i>Reserved on</i>	<i>24.09.2026</i>
<i>Pronounced on</i>	<i>09.10.2026</i>

CORAM:

THE HONOURABLE MR.JUSTICE RAJNISH PATHIYIL

WP(MD) NO. 22530 of 2023
{CNR: HCMD011029782023}



Case QR

1. A.Deivendiran (Died)
2. D.Shanthi
3. D.Priyanka
4. D.Nandhu Pandiyan

(Petitioners 2 to 4 are substituted vide Court order dated 10.08.2026)

Petitioner(s)

Vs

1. The Chairman,
Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post
Dindigul District 624 302.

2. The Director,
Health and Family Trust,
Gandhigram Institute of Rural Health and Family Welfare,
Dindigul District 624 302

Respondent(s)

For Petitioner(s):

M/s.A. Amala, for
Mr.B. Gobi

For Respondent(s):

Mr.V. Karthikeyan



WP(MD) NO. 22530 of 2023

Prayer: S - 12. Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order number GIRH/CHAIRMAN/2023-24/0379 dated 26.07.2023 and quash the same and consequently directing the 1st respondent to pay the gratuity due to the petitioner.

ORDER

The petitioner seeks issuance of a Writ of Certiorarified Mandamus to quash the order dated 26.07.2023. The petitioner, since deceased, is now represented by his legal representatives, petitioners 1 to 4. It is the case of the petitioner that he had attended a P.G. Decree i.e., an M.A. in Sociology and thereafter completed his M.Phil. in the year 1990 from the Madurai Kamaraj University and later applied for and was awarded a Ph.D. on 15.12.2006. It is his further case that he had worked as a Lecturer in Sociology at the Matha College of Nursing, Manamadurai, during the period from 13.03.2003 to 08.06.2006. It is contended that he had applied for the post of Lecturer in Behavioral Sciences in the 2nd respondent University.

2. The 2nd respondent, on being satisfied with the petitioner's qualification, had called him for an interview and, after verification of his certificates and by complying with all the formalities, had selected the petitioner. He was appointed as a Lecturer on 09.06.2006 and thereafter he has been discharging his



duties without any blemish. The 2nd respondent had issued a charge memo dated 29.09.2015, setting out the following charges:

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“It is alleged that the claim of Dr. A. Deivendran with regard to his experience through his bogus certificates boosting his experience is a fictitious one. Dr. A. Deivendran has failed to prove the authenticity of his claim and failed to maintain integrity and devotion to selection which caused him unbecoming an 'employee of holding moral turpitude' and gave rise to suspicion about their bonafides.”

3. It is the case of the petitioner that he had submitted his explanation on 25.11.2015. But without considering his explanation, the respondents appointed an Inquiry Officer vide proceedings dated 17.11.2015. It is also contended that vital documents that were relied upon by the disciplinary authority were not furnished to the petitioner and hence he was constrained to approach this Court by filing a Writ Petition in **WP (MD) No. 6018 of 2016** and this Court by order dated 13.04.2022 had directed the respondents to furnish documents as requested by the petitioner. It is further contended that in spite of the said order, the inquiry started without providing him the requisite documents.

4. It is also alleged that he was not allowed to cross-examine the witnesses, particularly, the Registrar and the Head of the Department who deposed with regard to the Ph.D. degree. Consequently, the Inquiry Officer held the charges



WP(MD) NO. 22530 of 2022

to have been proved vide inquiry report dated 02.09.2022. The petitioner was afforded an opportunity to submit his explanation to the committee report dated 10.03.2016 and, he had submitted his explanation on 15.03.2016.

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5. In the said explanation, the petitioner has explained in detail that there is no overlap in so far as the Ph.D., course and his work experience, as the petitioner was undergoing a full-time Ph.D. programme only between 13.10.2000 to 12.10.2002, as has also been certified by the Head of the Department of Madurai Kamaraj University under whom the petitioner was undergoing his Ph.D. (the Head of the Department was also his guide). It is his case that he joined the Matha College of Nursing only on 13.03.2003, after the full-time course got completed, and resigned with effect from 08.06.2006 and joined the present position on 09.06.2006 and that there was no overlap of the period.

6. That apart, the petitioner would also contend that the allegation that he produced forged certificate is baseless, for the reason that the period of study was between 13.10.2000 to 12.10.2002 and the period of employment was between 13.03.2003 to 08.06.2006 and that there was no overlap and hence there could not have been any case of forgery. Black's Law Dictionary defines "forgery" as "the act of fraudulently making a false document or altering a real one to be used as if



WP(MD) NO. 22530 of 2022

genuine? Tested on the said definition, the respondents have misconstrued the facts by treating the experience certificate itself as a forged document. There is no allegation that the certificate was fabricated, that the issuing authority did not issue it, or that any genuine document was altered and thereafter used as genuine. The allegation rests solely on the premise that the period of study overlapped with the period of employment. The alleged overlap may constitute a discrepancy, but cannot, by itself, amount to forgery of the certificate.

7. Moreover, the University itself had written to Matha College of Nursing, Manamadurai, by way of a letter dated 09.06.2006 who has also vouched to the genuineness of the certificate. And in the absence of any material, the Inquiry Officer's report was without any legal basis and contrary to the evidence that has been recorded. It is also the petitioner's case that the disciplinary authority, while imposing the punishment dated 02.09.2022 by withholding the gratuity due to the petitioner, has simply concurred with the Enquiry Officer and no reasons have been assigned in the order as to how the disciplinary authority was satisfied with the findings of the Inquiry Officer.

8. Learned counsel for the petitioner took me through the order dated 02.09.2022 and specifically pointed to paragraph 17 and submitted that the findings



WP(MD) NO. 22530 of 2022

are perverse and that there is no material to arrive at such conclusion. The said paragraph is extracted hereunder :

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“17. ???????
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As has been set out in paragraph 17, the learned counsel further submitted that as against the order of punishment dated 02.09.2022, withholding pensionary benefits, particularly the gratuity, the petitioner preferred an appeal before the 1st respondent vide an appeal dated 23.03.2023 and thereafter filed **WP (MD) No. 10504 of 2023** seeking for a direction to the first respondent to consider the appeal and pass orders. The aforesaid writ petition was allowed by this Court on 28.04.2023 directing the first respondent to consider the appeal on merits within a period of 10 weeks.

9. Learned counsel further submitted that the Disciplinary authority as well as the Appellate authority has failed to evaluate the evidence. In the absence of such evaluation of evidence, documents and contentions, including the defence of the charged officer/petitioner, the impugned order suffers from infirmities in law and is liable to be set aside.

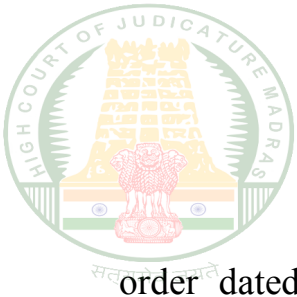


WP(MD) NO. 22530 of 2025

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10. Learned counsel appearing for the respondent drew the attention of this Court to the counter filed by the 2nd respondent on behalf of the respondents dated 12th September 2025, specifically advertng to paragraph numbers 3, 4 and 9 and contended that the petitioner has indeed committed the misconduct for which a charge memo was issued and for which an inquiry was later conducted. The petitioner willfully participated in the inquiry and was given full opportunity to cross-examine each of the witnesses, including mark any defence documents or examine any witnesses, if he wanted to. However, the petitioner did not do so.

11. In the facts and circumstances, the charges levelled against the petitioner were proved, as the course period of the Madurai Kamaraj University, where the petitioner was undergoing a Ph.D. programme, was from March 2001 to December 2006, while at the same time, that is, between March 2003 up to 08.06.2006, the petitioner was also working in Matha College of Nursing, Manamadurai, and therefore, there is an overlap during the said period. The finding of the Inquiry Officer that the experience certificate is forged is apparent on the face of the record, as no other document is required, as the petitioner cannot pursue two avocations, at the same time, that is, the Ph.D. programme before the Madurai Kamaraj University and the employment with the Matha College of Nursing, Manamadurai. And hence, there is no error in the Inquiry Officer's report.

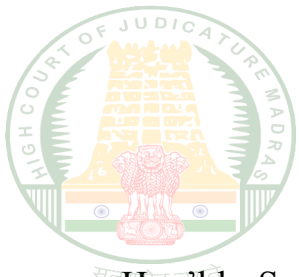


WP(MD) NO. 22530 of 2022

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12. He would further submit, referring to the Disciplinary Authority's order dated 02.09.2022, that the order evaluates the evidence and does reflect application of mind on the part of the disciplinary authority and the entire order has to be read as a whole and not certain portions in isolation. If read in total, it would clearly show that the disciplinary authority was abreast with the facts of the matter and the Inquiry Officer's report has also been considered apart from the defence of the delinquent employee and ultimately the Disciplinary Authority has come to a conclusion that the charges have been proved and accordingly has imposed the punishment of withholding of gratuity for the reason that the petitioner had already retired from service.

13. The learned counsel also would point out that the first Appellate Authority (first respondent) has considered the appeal in the right perspective after going through the entire material record, including the written statement of defence dated 25.11.2015 and the report of the oral inquiry dated 29.09.2015, and ultimately come to a conclusion that the appeal deserves to be dismissed, thus upholding the charges. The learned counsel for the respondent would therefore point out that there is no procedural irregularity in the conduct of the inquiry and even the punishment is not disproportionate to the misconduct which has been committed.



14. Learned counsel for the petitioner relied upon the judgment of the

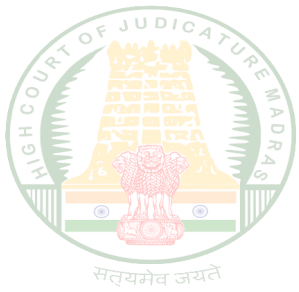
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Hon'ble Supreme Court in the case of ***K. Rajaiah v. High Court for the State of Telangana***, reported in 2026 SCC OnLine SC 190 and contended that whenever a case of forgery is alleged or a charge of forgery is raised and the delinquent has denied the charge, the said judgment sets out as to how the investigation into the set of charges should have been conducted. The relevant portions are extracted hereunder:

“35. In a similar case where there was a charge of forgery and the delinquent denied the charge, this Court in Sawai Singh v. State of Rajasthan², set aside the judgment of the High Court and granted complete relief to the appellant therein. This Court, speaking through Sabyasachi Mukharji, J. (as the learned Chief Justice then was), made the following telling observations:—

“6. Perusal of the enquiry report makes perfunctory reading — comparing the evidence of Chaturbhuj and the appellant it is difficult to accept on what basis the enquiry officer accepted the Chaturbhuj version. The enquiry officer did not discuss the inherent improbabilities of the statements of Chaturbhuj which will be noted later.

12.The second charge was about committing forgery effecting erasion of the word ‘panch’ on the nomination paper of Shri Chaturbhuj. This allegation was sought to be proved by the evidence of handwriting expert. The handwriting expert was not



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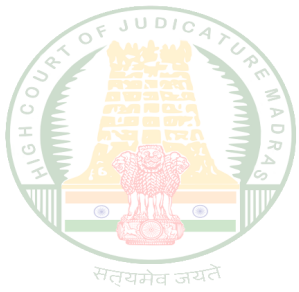
WP(MD) NO. 22530 of 2019

available for cross-examination on the ground that at that time he was dead. But if the evidence of handwriting expert was necessary to prove the guilt of the appellant, then it was necessary on the part of the department to adduce evidence to call another handwriting expert to corroborate their charge.

[Emphasis supplied]

36. Thereafter, highlighting the need for how investigations to the charges must be consistent with the requirement of the situation and how there must be fair play in action where consequences could be loss of job and loss of livelihood, this Court in Sawai Singh (supra) held as follows:—

“16. It has been observed by this Court in Surath Chandra Chakrabarty v. State of W.B. [(1970) 3 SCC 548] that charges involving consequences of termination of service must be specific, though a departmental enquiry is not like a criminal trial as was noted by this Court in the case of State of A.P. v. S. Sree Rama Rao [AIR 1963 SC 1723] and as such there is no such rule that an offence is not established unless it is proved beyond doubt. But in a departmental enquiry entailing consequences like loss of job which nowadays means loss of livelihood, there must be fair play in action; in respect of an order involving adverse or penal consequences against an employee, there must be investigations to the charges consistent with the requirement of the situation in accordance with the principles of natural



justice insofar as these are applicable in a particular situation.”

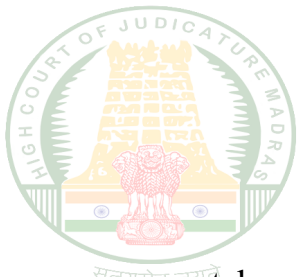
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(Emphasis supplied)

This holding is extremely vital for the case at hand for the reason that as was contended by learned Counsel Ms. Sindoor VNL, that the penalty for a proved charge of forgery is mandatory dismissal from service. Having failed to verify the disputed and the undisputed signature, we find that the finding of the Inquiry Officer that Ex. P-7 was not genuine, is perverse and based on no credible evidence.

...

44. *In this case, the appellant was facing a grave charge of fabrication of the documents. When charges are grave, the caution and circumspection that should be exercised by the authorities should be greater. The appellant had joined service in 1998 as an attender. Ms. Sindoor, learned Counsel, has produced the copies of the service record of the appellant which shows that in 2011, he was awarded punishment of stoppage of two increments with cumulative effect. It is not clear as to what was the charge that led to the penalty but whatever it is, the charge in the present disciplinary inquiry, being not established, that can have no bearing. Equally, the argument of Ms. Sindoor, that the rules provided for a mandatory penalty of dismissal also does not require further consideration since the charges themselves have not been established.”*



WP(MD) NO. 22530 of 2019

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15. In the present case, the word forgery has been wrongly used. There cannot be any forgery in the present circumstances, as it is not in doubt that the petitioner did work in Matha College of Nursing during the relevant period. The only ground on which the allegation is raised that the petitioner's period of study and the period of employment overlap.

16. I have heard the learned counsel for both sides at length and also perused the affidavit, counter affidavit, typed sets and the judgments cited.

17. The issue to be decided in the writ petition is as to whether the charge memo issued against the petitioner, which ultimately resulted in the charges being held proved against the petitioner and punishment being imposed, is correct in law or not.

18. Certain basic dates and facts are essential. The petitioner joined the Madurai Kamaraj University for his Ph.D. on 13.10.2000. The petitioner had obtained the certificate dated 28.04.2005 evidencing completion of his full-time Ph.D., which specifically states that the period during which he was a full-time Ph.D. stipendiary research scholar was from 13.10.2000 to 12.10.2002, that is, two years. The period during which the petitioner was working in Matha College of Nursing,



WP(MD) NO. 22530 of 2017

Manamadurai, was from 13.03.2003 to 08.06.2006. These documents are not disputed by the respondents. The charge memo refers to the petitioner having produced a bogus certificate to claim the job, on the basis that the period of Ph.D. undertaken by him and the experience certificate produced by him were overlapping. This Court had directed the respondents as well as the petitioner to set out the details of the Ph.D. programme and the period during which the petitioner was working.

19. The petitioner also produced the regulations pertaining to Ph.D. offered by the Madurai Kamaraj University. A perusal of the same would indicate that there are two categories of Ph.D.: one, full-time, and the other, part-time. It is apposite to refer to Paragraphs 5.1.1 and 5.1.3.

“5.1.1.Full Time:

The candidate, who joins in a Research Department / Centre / Institution shall work as a full time research scholar for a minimum period of 3 years in the chosen subject which shall be related to the main branch of knowledge of the Master's Degree.

5.1.3. Exemption:

If the candidate possesses an M.Phil., degree in the subject concerned related to Master's Degree or any other higher research degree, he/she is required to work as a



WP(MD) NO. 22530 of 2019

research scholar under a Supervisor for a period of Two years only.”

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Paragraph 5.1.3 would exemplify the fact that in the event a candidate possesses an M.Phil., the period of study is only two years. The petitioner admittedly completed his M.Phil., from the Department of Sociology, Madurai Kamaraj University in the year 1990 and joined the Ph.D. programme from 13.10.2000 to 12.10.2002. By applying the conditions set out in Paragraph 5.1.3, the period of research under a supervisor is only for a period of two years, and therefore, the period of supervision ended on 12.10.2002 on completion of two years.

20. The petitioner joined Matha College of Nursing, Manamadurai, on 13.03.2003. This is evident from the certificate issued by the Matha College, which is also not in question, as the certificate has not been disputed, so also the period during which the petitioner was working as a Lecturer in Sociology in the said college. The gravamen of the charges is that the petitioner had produced a bogus certificate. When the verification of the certificates was undertaken by the respondents, neither the Madurai Kamaraj University nor the Matha College of Nursing submitted any reply to the effect that the certificates were fabricated or that no such certificate was issued, or that the petitioner had not undergone the Ph.D. programme, or that he did not work in the Nursing College. In fact, subsequently, the petitioner was also awarded the Ph.D., which is not disputed.



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21. The fulcrum of the contention, therefore, revolves around the alleged overlapping period. As has been set out above, the Ph.D. regulations of the Madurai Kamaraj University only require a two-year period of study and not a three-year period. If the said regulations are appreciated, it would be evident that the petitioner did not have any overlapping period and, in fact, he joined Matha College of Nursing, Manamadurai, only about five months after completing his research as a stipendary scholar.

22. In such circumstances, I find that the very basis of the charge does not survive, as the charge memo which has been extracted in paragraph No.2 above, indicates that the charge was only in respect of the petitioner having produced a bogus certificate. For a document to be characterized as bogus, the Inquiry Officer should have come to a definite finding after examining the officers of the University or the previous employer and come to a conclusion that the petitioner had produced a bogus certificate. When neither the Madurai Kamaraj University nor the previous employer has resiled from the position by claiming that the certificates are bogus, the contention/allegation in the charge memo appears to be without any basis.

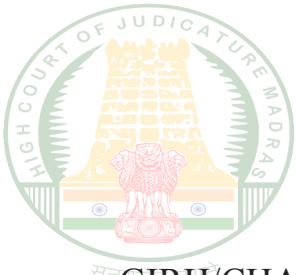
23. The confusion seems to have arisen only because of the erroneous appreciation of the length of the Ph.D. course, which the respondents claim



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overlapped with the experience certificate produced by the petitioner. As has been clarified in the paragraph above, there was no overlap, and the petitioner was, in fact, pursuing the Ph.D. programme only for a period of two years from 13.10.2000 to 12.10.2002, and his employment as a Lecturer in Matha College of Nursing began only on 13.03.2003. Thus, he had, in fact, produced certificates which would show that there was no suppression on his part and, rather, he had been forthcoming with regard to the exact period of his completion. No doubt, the petitioner was issued the Ph.D. degree on completion of the viva-voce on 02.06.2006, after the examinations were conducted on 12.05.2006. This cannot be construed as an overlapping period because the period of study, as set out above, was only for a period of two years from 13.10.2000 to 12.10.2002.

24. The respondents have, therefore, arrived at an erroneous understanding of the whole case, which has resulted in the issuance of the charge memo and thereafter the order of punishment consequent upon the charges being proved, dated 02.09.2022. The Inquiry Officer's report is itself perfunctory, and the findings recorded therein are perverse, as they are not supported by the materials on record. The Disciplinary Authority and the Appellate Authority have also failed to appreciate these rudimentary facts and have mechanically accepted the findings of the Inquiry Officer. It is also in record that the petitioner had already retired from service by then, that is, on 30.04.2022.



WP(MD) NO. 22530 of 2023

25. In the result, the impugned order number

GIRH/CHAIRMAN/2023-24/0379 dated 26.07.2023 is hereby quashed.
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Consequently, the respondents are directed to disburse the gratuity and other retirement benefits payable to the Legal representatives of the deceased 1st petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

26. With these directions, this writ petition stands allowed. No Costs.

Consequently, connected miscellaneous petition is closed.

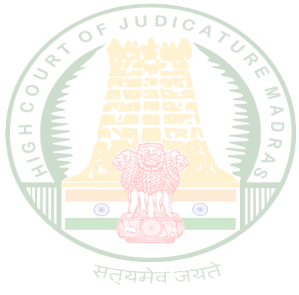
09.10.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
KSA

TO

1. The Chairman,
Gandhigram Institute of Rural Health and Family Welfare Trust,
Soundaram Nagar,
Gandhigram Post
Dindigul District 624 302.
2. The Director,
Health and Family Trust,
Gandhigram Institute of Rural Health and Family Welfare,
Dindigul District 624 302.

17/18



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WP(MD) NO. 22530 of 2023

RAJNISH PATHIYIL, J.

KSA

Order in
WP(MD) NO. 22530 of 2023

09.10.2026