

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29494 of 2015

Nagarajan @ Palanisamy

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary Highways and Small
Harbour Department Fort St. George Chennai-
600 009.
- 2 The Divisional Engineer
Highways and Rural Department Chepauk
Chennai-600 005. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to pass order on petitioner representation dated 17.08.2015 within a stipulated time.

For Petitioner : Mr.S.Parthasarathy
For Respondents : Mr.V.Subbiah
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he was employed as Assistant Engineer in National Highways, Mechanical Division - II, Madurai and within four years from the date of appointment in the said post in the year 1994 submitted a representation dated 23.08.1988 to alter the date of birth which has been noted in the Service Register as 13.03.1958 as "22.06.1958" and he has repeatedly met the concerned respondents in person for change of date of birth in the service records and he has also submitted a reminder dated 17.08.2015 to the first respondent in this regard and since no orders have been passed, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that since the petitioner within four years from the date of appointment in the said post has submitted representation, the first

respondent ought to have issued appropriate direction to alter the correct date of birth in the service records and prays for appropriate orders.

4.Per contra, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents would submit that there is no proof to show that the petitioner within four years from the date of appointment has submitted his representation and de hors the same, the remedy if any, available to the petitioner is to approach the competent civil forum to obtain appropriate decree as well as decree for mandatory injunction for correct date of birth and since he has not done so, at this point of time, the petitioner cannot pray for any relief and prays for dismissal of the writ petition.

5.This Court heard the rival submissions and also perused the materials placed before it.

6.This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 17.08.2015 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.
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s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1 The Secretary, Government of Tamil Nadu
Highways and Small Harbour Department
Fort St. George Chennai- 600 009.

2 The Divisional Engineer
Highways and Rural Department Chepauk
Chennai-600 005.

+ 1 cc to M/s.S.Parthasarathy, Advocate SR 51264

+ 1 cc to the Govt.Pleader High Court, Madras SR 51531

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