

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11405 of 2015

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus (i) declaring that the date of birth of the petitioner is 05.07.1959, but not 08.01.1956; (ii) declaring that the petitioner is entitled to continue in service till 31.07.2019; (iii) the action of the respondents in seeking to retire the petitioner w.e.f. 31.01.2016 instead of 31.07.2019 as illegal and arbitrary, and further declare that the action of the respondents in not referring the petitioner to the Area Age Determination Committee for assessing the age of the petitioner basing on the certificates produced by him as illegal and arbitrary.

Heard and perused the records.

Learned counsel for the petitioner submits that the age of the petitioner is 05.07.1959, but not 08.01.1956. He further submits that when there is a dispute with regard to the age of the petitioner, the respondents have to refer the petitioner to the Area Age Determination Committee for assessing the age of the petitioner, and that instead of the referring the petitioner to the said committee, the respondents unilaterally trying to put the petitioner on retirement by 31.01.2016, and as such, the said action of the respondents is illegal and arbitrary.

In view of the above submission, the writ petition is disposed of with a direction to the respondents to refer the petitioner to the Area Age Determination Committee in order to determine the real age of the petitioner, and basing on the report of the said Committee, the respondents are at liberty to pass appropriate orders. Till the said exercise is completed by the respondents, the respondents shall not take any coercive action against the petitioner.

The writ petition is accordingly disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions, if any shall also stand disposed of.

21.04.2015
pln

JUSTICE RAJA ELANGO