

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

WP.No.5777 of 2007

M.Solomon

... Petitioner

Vs

The Tahsildar
Srivaikundam,
Tuticorin District

... Respondent

Prayer:- This Writ Petition came to be filed under Article 226 of the Constitution of India, by transfer of OA.No.5837 of 2002 from the file of the Tamil Nadu Administrative Tribunal, to issue a Writ of Certiorarified Mandamus to call for the records of the Respondent in Na.Ka.B4/6926/2002, dated 29.07.2002 and to quash the same and to direct the Respondent to reinstate the Petitioner in service with all attendant benefits.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.K.Rajendraprasad,
Government Advocate

ORDER

In this Writ Petition, the Petitioner seeks for a direction to the Respondent to reinstate him in service with all attendant benefits, by quashing the impugned order dated 29.07.2002.

2. This court heard the learned counsel on either side and considered their submissions carefully and also the materials placed on record.

3. It is the case of Petitioner that the Petitioner joined in service as a Village Assistant, Eruvappapuram Village in the year 1981. In the year 2002, by the impugned order, the Petitioner was relieved from the service on the ground that the Petitioner was continuing his service after attaining the age of 60 years by giving incorrect date of birth. Hence, contending that neither notice was given nor enquiry was conducted before passing the impugned order, the Petitioner is before this court, with the prayer as stated

above.

4. On a careful scrutiny of the petition and the counter affidavit, this Court is of the considered view that the prayer of the Petitioner to reinstate him in service, by quashing the impugned order, cannot be granted, in view of the allegation against the Petitioner as stated in the counter that the Petitioner gave his date of birth wrongly, by giving the date of birth of his younger brother by name Soloman Dharmaraj, taking advantage of the fact that the name of his younger brother was recorded as Soloman instead of Soloman Dharmaraj. Considering the said allegation, after giving sufficient opportunity to the Petitioner, he was rightly imposed with the impugned punishment. Further, this court finds no valid reason to interfere with the impugned order. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

Srcm

To:

The Tahsildar,
Srivaikundam,
Tuticorin District.

+lcc to the Government Pleader, S.R.No.30926

W.P.No.5777 of 2007

NR(CO)
CA(14/07/2016)

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