

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.20239 of 2016
and
W.M.P.No.17412 of 2016

R.Shanmugam

.. Petitioner

vs

1. Tamil Nadu Generation and Distribution Corporation Limited rep.by its Chief Engineer (Personnel) No.144, Anna Salai Chennai 600 002.
2. The Superintending Engineer Tamil Nadu Generation and Distribution Corporation Limited Namakkal Electricity Distribution Circle Namakkal.
3. The Executive Engineer (Operation and Maintenance) Tamil Nadu Generation and Distribution Corporation Limited Paramathivellore 638 182 Namakkal District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration to declare that the order of the second respondent dated 17.08.2015 bearing Memo No.10202/Adm.2/A.3/F.Retirement 2016(RWE)/2015 dated 17.08.2015 insofar as treating the date of birth of the petitioner as 01.07.1958 and proposing to retire the petitioner on 30.06.2016 and to consequently treat the date of birth of the petitioner as 01.07.1961 on the basis of the Medical Board Certificate of the Government Hospital, Namakkal and on that basis continue the employment of the petitioner till 30.06.2019.

For Petitioner : Mr.Balan Haridas

For Respondents : Mrs.R.Varalakshmi
Standing Counsel for TNEB

ORDER

By consent, the writ petition is taken up and disposed of at the admission stage itself.

2. Mrs.R.Varalakshmi, the learned Standing Counsel takes notice on behalf of the respondent-Tamil Nadu Electricity Board.

3. The prayer in the writ petition is for the issuance of writ of declaration to declare that the order of the second respondent dated 17.08.2015 bearing Memo No.10202/Adm.2/A.3/F.Retirement 2016(RWE)/2015 dated 17.08.2015 insofar as treating the date of birth of the petitioner as 01.07.1958 and proposing to retire the petitioner on 30.06.2016 and to consequently treat the date of birth of the petitioner as 01.07.1961 on the basis of the Medical Board Certificate of the Government Hospital, Namakkal and on that basis continue the employment of the petitioner till 30.06.2019.

4. The case of the petitioner is that while he joined the service of the respondent, he did not have any certificate of birth and he was appointed based on the certificate issued by the Civil Surgeon. Based on the said Certificate his date of birth was entered as 01.07.1958 instead of 01.07.1961. In this regard, he was also sent for medical examination before the Medical Board and after radiological examination, he was issued with a Certificate stating that he is aged 45 years as on 31.08.2006. Therefore, he was of the view that he would retire from service on 30.06.2019. However, to his shock and surprise, he was issued with the impugned proceedings that his date of superannuation is 30.06.2016. Hence, he sent a representation to the first respondent and third respondent on 20.05.2016 seeking to consider his case based on the certificate issued by the Medical Board. Since, the same has not been considered, he is before this Court.

5. Learned counsel for the petitioner would submit that since the petitioner is due to retire from service on 30.06.2016, it would be suffice, if this Court directs the respondents to consider his representation and dispose of the same on or before 30.06.2016. He would further submit that this Court, under similar such circumstances, in W.P.No.19300 of 2016 vide order dated 13.06.2016 had directed the petitioner therein to file an appeal before the Chairman and directed him to pass appropriate orders on the same before he reaches the age of superannuation.

6. Learned Standing Counsel appearing on behalf of the respondent-TNEB would submit that they have no objection to

consider the case of the petitioner and dispose of his representation before he reaches the age of superannuation.

7. Considering the submissions made on either side and in view of the fact that the petitioner is about to retire on 30.06.2016, the first respondent is directed to consider the representation dated 20.05.2016 submitted by the petitioner and pass appropriate orders on the same within a period of one week from the date of receipt of a copy of this order. It is made clear that till such time, the petitioner's representation is disposed of by the respondents, the petitioner shall not be relieved from his service till the age of superannuation on 30.06.2016.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chief Engineer (Personnel)
Tamil Nadu Generation and
Distribution Corporation Limited
No.144, Anna Salai
Chennai 600 002.
2. The Superintending Engineer
Tamil Nadu Generation and
Distribution Corporation Limited
Namakkal Electricity Distribution Circle
Namakkal.
3. The Executive Engineer
(Operation and Maintenance)
Tamil Nadu Generation and
Distribution Corporation Limited
Paramathivellore 638 182
Namakkal District.

+1cc to Mr.Balan Haridas, Advocate sr.32959

W.P.No.20239 of 2016

vsn[co]
srg 21/06/2016