

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.27412 of 2016

P.Sundaramoorthi

... Petitioner

Vs.

1. The District Collector,
Villupuram District,
Villupuram.
 2. The Commissioner for Revenue Administration,
Chepauk, Chennai - 600 005.
 3. The Personal Assistant to the District Collector,
Villupuram District, Villupuram.
 4. The Block Development Officer,
Vaanur Panchayat Union,
Villupuram District,
Villupuram.
- Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent to consider the application dated 06.04.2016 made by the petitioner for alteration of his date of birth from 01.01.1957 to 04.11.1958 in the service register by referring the same to the second respondent for report in accordance with rule 49(a) of Tamil Nadu State and Subordinate Service Rule.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the application dated 06.04.2016 made by the petitioner for alteration of his date of birth from 01.01.1957 to 04.11.1958 in

the service register by referring the same to the second respondent for report in accordance with rule 49(a) of Tamil Nadu State and Subordinate Service Rule.

3. According to the petitioner, he was initially appointed as Nominal Muster Roll with effect from 16.07.1982 as Godown Watchman at Vaanur Panchayat Union. As per G.O.Ms.No.69, Rural Development and Panchayat (E5) Department, dated 06.08.2012, the petitioner was appointed as Office Assistant. In the seniority list of the years 2013 to 2015, the petitioner's date of birth is 04.11.1958.

4. While so, on 18.01.2016, the second respondent published seniority list of Office Assistant/Record Clerk/Night Watchman as on 01.01.2016, in which, the petitioner was placed in rank No.83, wherein, his date of birth has been wrongly mentioned as 01.01.1957 and date of retirement as 31.12.2016. Immediately, the petitioner made an enquiry and found that, his date of birth has been wrongly mentioned as 01.01.1957 in his service register.

5. In this regard, the petitioner obtained a decree from the District Munsif Court, Vaanur, on 08.03.2016. Thereafter, he obtained birth certificate from the Regional Deputy Thasildar, Vaanur, on 11.03.2016. With all the certificates, the petitioner gave an application on 06.04.2016 to the District Collector, Villupuram, through the fourth respondent for alteration of date of birth in his service register from 01.01.1957 to 04.11.1958. Further, the first respondent sought for an explanation from the petitioner and the petitioner gave his explanation on 18.07.2016. Since no action was taken on the application given by the petitioner, the petitioner has come before this Court.

6. I have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

7. Considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to give a fresh representation to the **first*** respondent, along with a copy of this order, within a period of one week from the date of receipt of a copy of this order. On receipt of such representation being given, the **first*** respondent is directed to consider the same and pass appropriate orders with regard to alteration of his date of birth from 01.01.1957 to 04.11.1958, on merits and in accordance with law, within a further period of six weeks thereafter.

With the above directions, the writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)
dt. 30/09/2016

Amended as per order of
this court dated 07/10/2016
made in WP.27412 of 2016

Sd/-
Assistant Registrar (CS-IV)
dt.19.10.2016

//True Copy//

Sub Assistant Registrar

sms

To

1. The District Collector,
Villupuram District, Villupuram.

2. The Commissioner for Revenue
Administration,
Chepauk, Chennai - 600 005.

3. The Personal Assistant to
the District Collector,
Villupuram District, Villupuram.

4. The Block Development Officer,
Vaanur Panchayat Union,
Villupuram District, Villupuram.

To be substituted for
the order already
despatched on 3.10.2016

+lcc to Mr.V.Suthakar, Advocate, S.R.No.58432*
+lcc to the Government Pleader, S.R.No.54208

Writ Petition No.27412 of 2016

CTK(CO)
CA(30/09/2016)
EU 21.10.16