

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.3653 of 2016

D.Prabakaran

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by its Secretary,
Housing and Urban Development
Department,
Fort St. George,
Chennai-600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam, Chennai-35.

... Respondents

Prayer:Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus, directing the respondents 1 & 2 herein to consider and pass orders on the representations dated 12.08.1983 and 05.11.2015 and make necessary changes thereby adopting the date of birth as mentioned in the birth certificate within the time frame as fixed by this Court.

For Petitioner : Mr.S.Kasi Kumar
For Respondent-1 : Mr.S.Gunasekaran, AGP
For Respondent-2 : Mr.V.Anandamurthy

O R D E R

This Writ Petition has been filed by the petitioner seeking a Writ of Mandamus, directing the respondents to consider and pass orders on his representations dated 12.08.1983 and 05.11.2015 relating to rectification of error in the date of birth in his service register and make necessary changes thereby adopting the date of birth as mentioned in the birth certificate.

2.Heard Mr.S.Kasi Kumar, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Additional Government Pleader for the first respondent as well as Mr.V.Anandamurthy, learned counsel for the second respondent.

3.The petitioner was appointed as Surveyor in Ashok Nagar Division of Tamil Nadu Housing Board in Chennai on 08.05.1979 and was transferred to Special Division-VI and later on transferred to Vellore Housing Unit on 04.08.1983. He joined the Vellore Housing unit on 12.08.1983 and now working there as Executive Engineer & ADO. The grievance of the petitioner is that his actual date of birth is 12.10.1958 and the same has been mentioned in his birth certificate whereas the date of birth in his School Leaving Certificate has been wrongly mentioned as 25.05.1958 which has been entered in his service register. Hence, he made a representation dated 12.08.1983 to the first respondent. Since there was no response, he again made a representation on 05.11.2015. Since no action is forthcoming from the respondents, he constrained to file the present writ petition.

4.Though the petitioner has submitted his representation on 12.08.1983 i.e., within five years of entering into the service as per Rule 49 and 49A of the Tamil Nadu State and Subordinate Service Rules, he has not placed the evidence before this Court namely, acknowledgment of the petitioner's representation dated 12.08.1983 to ensure whether the same has been submitted to the authority concerned within 5 years of his entry into service. In view of the same, this Court is not inclined to consider the prayer sought for by the petitioner and therefore, the writ petition fails and is dismissed. No costs.

DP

s/d-

Assistant Registrar(CS-VII)

True Copy

Sub-Assistant Registrar

To

1.The Government of Tamil Nadu
rep. by its Secretary,
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Chennai-600 009.

2.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandhanam, Chennai-35.

+ 1 cc to Mr.S.Kasikumar, Advocate SR 21718

+ 1 cc to Mr.A.Anandhamoorthy, Advocate SR 21359

+ 1 cc to Govt.Pleader SR 21318

ru(co)
prk25/5/

W.P.No.3653 of 2016



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