

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36951 of 2016  
and  
W.M.P.Nos.31749 and 31796 of 2016

Azhagiya Manavalan

... Petitioner

Vs

1. The Special Commissioner-cum-Director of Land Survey, Chepauk, Chennai-5.
2. The Assistant Director, District Land Survey Office, Tanjore.
3. The Assistant Director, District Land Survey Office, Coimbatore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of certiorarified mandamus to call for the records pertaining to the order passed by the 2nd respondent in Na.Ka.A9/ 8959/2015 dated 08.12.2015 and passed by the 3rd respondent in Na.Ka.A8/ 7363/15 dated 11.12.2015 and quash the same and consequently directing the respondents to change the petitioner's date of birth as 08.08.1958 instead of 08.08.1946 and to restore the petitioner into service immediately by settling all the legally entitled consequential benefits from 31.08.2006 till the petitioner is restored in service and to allow him to continue his service thereafter peacefully till his actual date of superannuation i.e. 31.08.2018.

For Petitioner : Mr.P.Narayanamoorthy

For Respondents : Mr.K.Dhananjayan,  
Special 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, challenging the order passed by the second respondent in Na.Ka.A9/ 8959/2015 dated 8.12.2015 and the order passed by the third respondent in Na.Ka.A8/ 7363/15 dated 11.12.2015 and consequently, to direct the respondents to change his date of birth as 8.8.1958 instead of 8.8.1946 and to restore him into service immediately by settling all the legally entitled consequential benefits from 31.8.2006 till he is restored in service and to allow him to continue his service thereafter peacefully till his actual date of superannuation i.e. 31.8.2018.

3. It is the case of the petitioner that he was appointed as Office Assistant through employment exchange on 20.2.1984 in the office of the second respondent in a consolidated pay of Rs.320/- per month. Thereafter, time scale of pay was sanctioned and his service was regularized. After joining service, he came to know that his date of birth was wrongly given as 8.8.1946 instead of 8.8.1958. Hence, he submitted several representations with supporting documents to the respondents to alter his date of birth. However, instead of taking steps to alter his date of birth, the respondents took disciplinary action against him and awarded punishment of two places reduction in his seniority without affording an opportunity to him. In this regard, the petitioner sent a representation dated 10.1.2006 to the respondents and the same was also not considered. Later, he sent letters to the RTI and though RTI, he came to know that the Special Commissioner cum Director of Land Survey, Chepauk, Chennai, in his letter dated 29.3.2006 stated that since the petitioner has not applied for change of date of birth within five years from the date of joining of service, his request cannot be accepted. In fact, the petitioner has applied to change his date of birth within five years from the date of joining the service. In this regard, finally, he sent a representation dated 4.11.2015 to the respondents. Since the same was not considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in identical situation, the Madurai Bench of this Court in W.P.(MD) No.2224 of 2014, by order dated 6.7.2015, has given a positive direction. Since the petitioner is similarly placed, similar order could be passed in this writ petition also.

5. I have also heard the learned Special Government Pleader, who has taken notice on behalf of the respondents.

6. Keeping the submissions made on either side, I have carefully gone through the entire materials available on record.

7. On a perusal of the order dated 6.7.2015 made in W.P (MD) No.2224 of 2014, I find that the petitioner therein was in service and he sought for change of date of birth for three years. But, in the instant case, the petitioner retired from service in the year 2006 itself and he sought for change of date of birth for 12 years. Moreover, though it has been stated that the petitioner made representation within five years from the date of joining to change his date of birth, to prove the same, no documents have been produced before this Court. Now, the present writ petition has been filed after a lapse of ten years from the date of retirement. Therefore, there is absolutely no merit in this writ petition and the same is liable to be dismissed.

8. Accordingly, the present writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Special Commissioner-cum-  
Director of Land Survey,  
Chepauk, Chennai-5.

2. The Assistant Director,  
District Land Survey Office,  
Tanjore.

3. The Assistant Director,  
District Land Survey Office,  
Coimbatore.

+1cc to Mr.P.Narayanamoorthy, Advocate, S.R.No.59954

+1cc to the Government Pleader, S.R.No.60582

W.P.No.36951 of 2016

CP(CO)

CA(23/11/2016)