

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4298 of 2017

Balasubramanian

..Petitioner

Vs

The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.2, Thambusamy Salai,
Kilpauk, Chennai - 600 010

..Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent to dispose of the representation of the petitioner dated 06.01.2017, seeking to rectify the discrepancy in his service register pertaining to his date of birth on the basis of his birth certificate within the time frame stipulated by this Court.

For Petitioner : Mr.D. Ashok Kumar

For Respondent : Mr.C. Munuswamy

Standing Counsel for Corporation

ORDER

By consent, the writ petition is taken up for final disposal. Mr.C.Munuswamy, learned Standing Counsel accepts notice for the respondent Corporation.

2. The petitioner would aver that he was temporarily appointed as a Bill Clerk in the service of the respondent Corporation on 04.11.1982 and he was appointed in the sanctioned vacancy on 03.11.2008 and was promoted as Assistant Quality Inspector on 23.09.2014 and he has put in 34 years of unblemished service to the satisfaction of his superior officers. According to the petitioner, on the basis of the educational certificate, his date of birth is 22.05.1959 and it was recorded in the service records, however, he came to know that his correct date of birth is 10.04.1960 during a gathering at the time of a family function. The petitioner, after making enquiry, applied for birth certificate and it was issued on

19.09.2016 indicating that the petitioner was born on 10.04.1960. The petitioner submitted a representation on 06.01.2017 praying for rectification of the date of birth as 10.04.1960 instead of 22.05.1959 in the service records. Despite receipt and acknowledgment, no orders came to be passed. Hence, he came forward to file this writ petition.

3. Mr.D.Ashok Kumar, learned counsel appearing for the petitioner would submit that since the petitioner was aware of the correct date of birth very recently, immediately he has taken steps to correct the date of birth and submitted a representation without any further loss of time and it may be directed to be considered in accordance with law at an early date.

4. Per contra, Mr.C.Munuswamy, learned Standing Counsel appearing for the respondent would submit that the reasons adduced in paragraph No.4 of the affidavit is not at all believable for the reason that though the petitioner entered into service in the year 1982 and was regularised during 2008, he has not raised the issue all these years and only on the verge of his retirement, he thought it fit to state that his correct date of birth is 10.04.1960 and since his claim is hit by delay and latches, this Court cannot consider the prayer sought for by the petitioner and prays for dismissal of the writ petition.

5. This Court considered the rival submissions and perused the typed set of documents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in the representation or in the writ petition, directs the respondent to consider and dispose of the petitioner's representation dated 06.10.2017 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

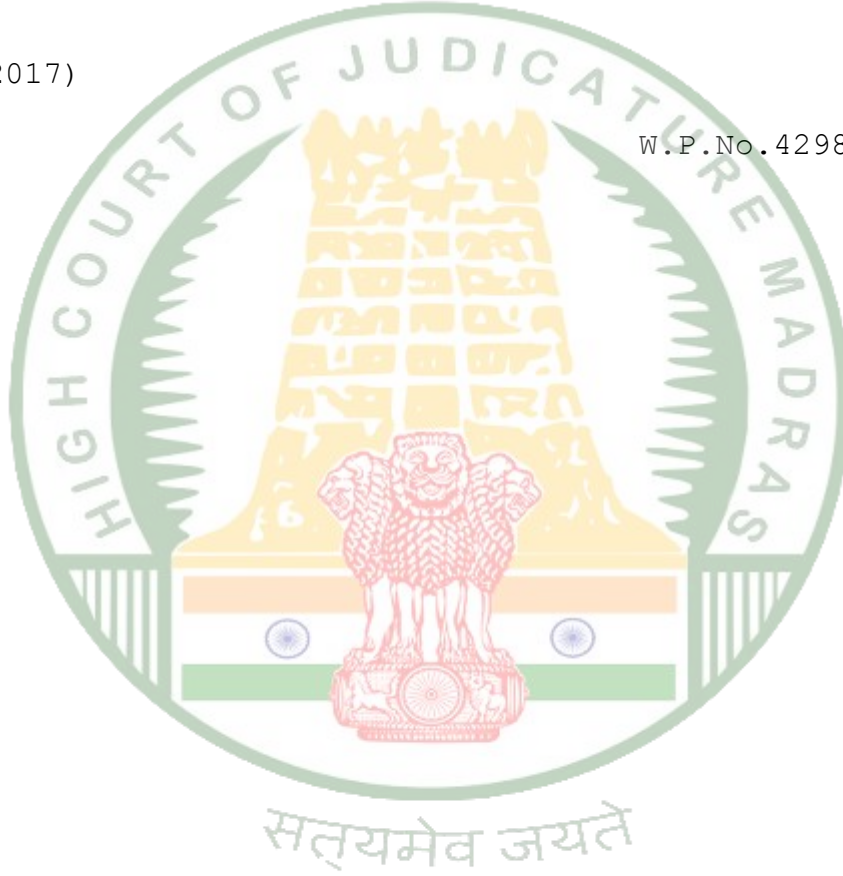
To

The Managing Director,
Tamil Nadu Civil Supplies Corporation,
No.2, Thambusamy Salai,
Kilpauk, Chennai - 600 010

+1cc to Mr.Munusamy, Advocate, S.R.No.11060
+1cc to Mr.Ashok kumar, Advocate, S.R.No.11382

AK(CO)
RS(06/03/2017)

W.P.No.4298 of of 2017



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