

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:05.05.2017

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.11484 of 2017
&
W.M.P.No.12463 of 2017

P.Soundara Rajan Petitioner

vs

1. The Registrar,
Office of the Registrar of Cooperative Societies,
N.V.N.maligai, No.170 E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.
2. The Additional Registrar,
Office of the Additional Registrar of Co-operative Societies
TANGED building - II Floor,
No.81 St. Mary's Road, Mandaiveli,
Chennai - 600 018.
3. The Commissioner,
Revenue Administration Ezhilagam-2,
Chepauk, Chennai - 600 005. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution, praying for the issuance of Writ of Mandamus directing the second respondent to pass orders on the representation dated 13.11.2015, seeking alteration of date of birth from 05.06.1959 to that of 25.7.1961 on merits.

For petitioner : Mrs.N.R.Jasmine Padma
For respondent : Mr.L.P.Shanmuga Sundaram,
Special Government Pleader, for
R1 & 2
Mr.A.S.Senthilvel for R3.,

ORDER

This Writ Petition has been filed by the petitioner, praying for the issuance of a Writ of Mandamus, to direct the second respondent to pass orders on the representation dated 13.11.2015 made by him, seeking alteration of his date of birth from

05.06.1959 to that of 25.7.1961, within a stipulated time.

2. According to the petitioner, he was appointed as Junior Inspector of Co-operative Societies on 13.12.1985. On being qualified in special qualifying examination, his services came to be regularized on 27.04.1992. Thereafter, he was promoted as Senior Inspector of Co-operative Societies and subsequently further promoted as Co-operative Sub Registrar in which post, he continues as on date. The petitioner submitted his application on 12.03.1997 seeking alteration of date of birth from 05.06.1959 to that of 25.07.1961, in terms of the contemplated rules and regulations. According to him, he also submitted his explanation well within the time stipulated in the Rules. In response to the request of the petitioner, the Department has sought for certain clarification. According to the petitioner, the clarification which was sought for, has also been complied with by the petitioner. Thereafter, as there was no response, he was under impression that his request has been acceded to. However, in 2015, the petitioner came to understand that the alteration of his date of birth as sought for by him, has not been effected to by the authorities concerned in spite of satisfying the authorities with all required material and documents. In such circumstances, it appears that the petitioner has submitted a representation on 13.11.2015. But till date, the competent authority has not taken any action on the said representation nor any decision was communicated to the petitioner. In the meantime, as the petitioner is due for retirement on 30.06.2017, if no decision is taken on the representation for alteration of his date of birth, the petitioner will be put to great prejudice and hardship as he would be subjected to retirement well before the actual date of retirement. Therefore, the petitioner has come forward with the present Writ Petition.

3. Ms.N.R.Jasmin Padma, learned counsel appearing for the petitioner submit that a direction as sought for in the writ petition, may be issued in view of the fact that the petitioner is going to retire on 30.06.2017.

4. Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader takes notice on behalf of the respondents.

5. In view of the limited prayer as sought for by the petitioner, the writ petition itself is taken up and being disposed of at the admission stage with the following direction.

"The second respondent is directed to consider and pass appropriate orders on the representation made by the petitioner dated 13.11.2015 seeking alteration of his date of birth

from 05.06.1959 to that of 25.07.1961 in accordance with law and on merits, within a period of four weeks from the date of receipt of copy of this order."

No costs. Consequently, connected M.P.No.12463 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Suk

To

1. The Registrar,
Office of the Registrar of Cooperative Societies,
N.V.N.maligai, No.170 E.V.R. Periyar Salai,
Kilpauk, Chennai - 600 010.
2. The Additional Registrar,
Office of the Additional Registrar of Co-operative Societies
TANGED building - II Floor,
No.81 St. Mary's Road, Mandaiveli,
Chennai - 600 018.
3. The Commissioner,
Revenue Administration Ezhilagam-2,
Chepauk, Chennai - 600 005.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.36755

+1cc to the Government Pleader, S.R.No.37039

W.P.No.11484 of 2017

&

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VGII (CO)
RS(17/05/2017)

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