

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.No.1395 of 2018

T.Ravichandran

... Appellant

-vs-

- 1.The Government of Tamil Nadu rep.by
the Secretary to Government,
Finance (Local Fund) Department,
Fort St.George, Chennai-600 009.
- 2.The Chief Auditor of Public Sector Undertaking,
No.807, Anna Salai,
Chennai-600 002.
- 3.The Deputy Director of Local Fund Audit,
Coimbatore Corporation, Coimbatore. Respondents

Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.621 of 2008 dated 19.04.2012.

WP.NO.621 of 2008

Petition filed under Article 226 of the Constitution of India praying this Hon'ble Court issue a writ of certiorarified Mandamus calling for the records relating to the respondents in (1) Government Lr.No.29339/LF/05-2 Finance (LF) Department dated 19.8.2005 of the first respondent and (2) Na.Ka.No.4741/A2/2000 dated 12.7.2000 of the second respondent to quash the same and to issue consequential directions to the respondents to alter the petitioner's date of birth as 14.7.1961 instead of 14.7.1960 as per service records.

For Appellant

:: Mr.S.R.Sundar

For Respondents

:: Mr.P.Sivashanmugasundaram,
Special Government Pleader
for R1 and R2

JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

Challenging the order passed by the learned single Judge in W.P.No.621 of 2008 dated 19.04.2012 rejecting the prayer of the appellant to alter his date of birth as 14.07.1961 instead of 14.07.1960, this appeal has been filed.

2.The appellant joined the services of the respondent Department as Assistant Inspector on 15.02.1990 and at the time of joining, he stated that his date of birth is 14.07.1960. Subsequently, he submitted an application on 02.01.1995, for alteration of date of birth. However, his request was considered and rejected by the Department on 01.11.1996 for want of supporting records and in view of the contradictory details furnished by him. The appellant did not challenge the said order. Subsequently, he made another application on 13.10.1997, for alteration of date of birth, along with certain documents and the same was forwarded to the office of the second respondent for appropriate action. Thereafter, the matter was referred to the Revenue Divisional Officer, Salem, for conducting an enquiry to ascertain the correctness of the information furnished by the appellant.

3.The Revenue Divisional Officer submitted an enquiry report and after considering the same, the appellant's second request for alteration of date of birth, was rejected, by proceedings dated 29.02.2000.

4.According to the appellant, he came to know that his date of birth is only 1961 and not 1960 in a family function and in support of his claim, he produced a birth certificate, which was issued by the Salem Municipality. In the said birth extract, the name of the person stated to have been born on the said date was not mentioned. Further, in the affidavit filed in support of the writ petition, the appellant has admitted in paragraph 4, that the birth certificate was issued on 15.10.1990 i.e., nearly after eight months after the appellant joined duty as Assistant Inspector on 15.02.1990. In these circumstances, the learned single Judge held that the authorities rightly found that the said certificate should not have been accepted, since the name of the person was not mentioned.

5.Based on factual aspects and the findings rendered by the Revenue Divisional Officer, Salem, in the Enquiry Report dated 29.02.2000, the appellant's second request was rejected.

6.The learned single Judge has dealt with the matter in proper perspective and has passed a detailed order, based on factual aspects, which in our considered opinion, does not require any interference.

7.The writ appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Secretary to Government,
Government of Tamil Nadu
Finance (Local Fund) Department,
Fort St.George, Chennai-600 009.

2.The Chief Auditor of Public Sector Undertaking,
No.807, Anna Salai,
Chennai-600 002.

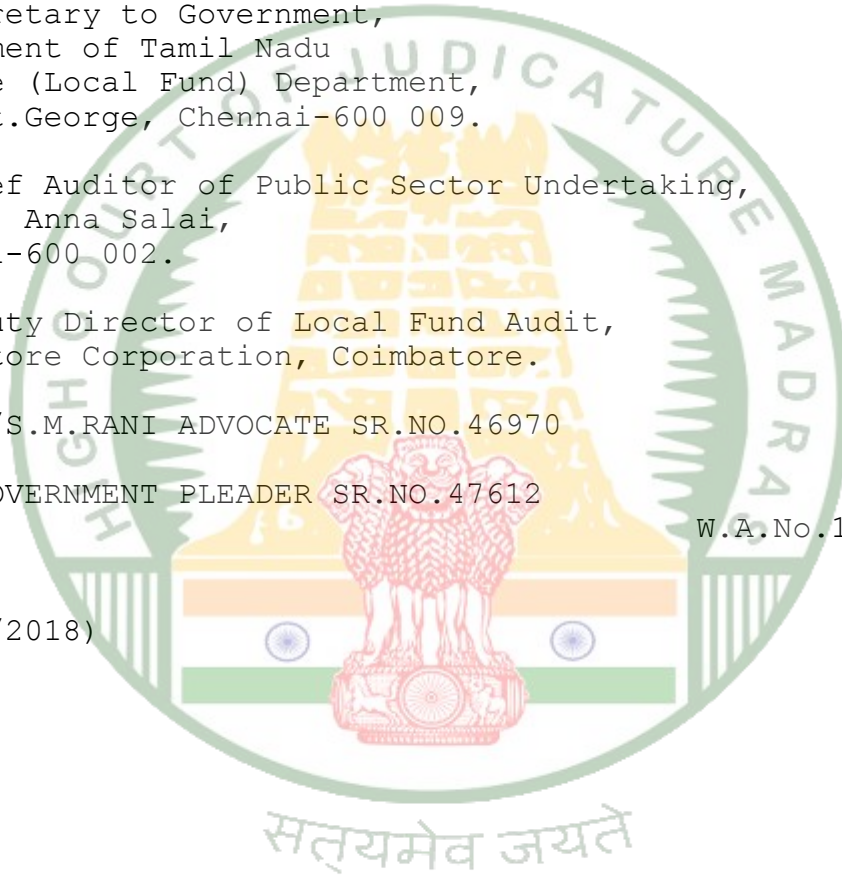
3.The Deputy Director of Local Fund Audit,
Coimbatore Corporation, Coimbatore.

+1CC TO M/S.M.RANI ADVOCATE SR.NO.46970

+1CC TO GOVERNMENT PLEADER SR.NO.47612

W.A.No.1395 of 2018

SV(CO)
ASK(31/07/2018)



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