

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.27014 of 2015 and
M.P.No.1 of 2015 and
W.M.P.No.22117 of 2016

M.Kolanchi

... Petitioner

Vs.

1.The Additional Director,
O/o. Municipal Administration,
Cheapauk, Chennai 600 005.

2.The Commissioner,
Vridhachalam Municipality,
Cuddalore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the proceedings in O.Mu.No.33524/2014/J3 dated 25.02.2015 from the file of the first respondent, and quash the same and further direct the respondents to enter the date of birth of the petitioner as 10.06.1969 in the service register of the petitioner based upon the materials available with the second respondent ever since 1999.

For Petitioner: Mr.S.Mayilnathan

For Respondents:Mr.I.Sathish,

Addl. Govt. Pleader for R1

: No appearance for R2

O R D E R

The present writ petition has been filed to call for the entire records relating to the proceedings in O.Mu.No.33524/2014/J3 dated 25.02.2015 from the file of the first respondent and quash the same and further direct the respondents to enter the date of birth of the petitioner as 10.06.1969 in the service register of the petitioner.

2. According to the petitioner, the first respondent has refused to alter the date of birth of the petitioner in the service records on the reason that such request was made beyond

the period of five years from the date of joining the service. Therefore, he is before this Court by way of present writ petition.

3. Though this writ petition is filed challenging the above said order of the first respondent, today when the matter is taken up for hearing, the learned counsel for the petitioner submitted that the petitioner is not pressing the writ petition challenging the impugned order, provided the respondents disburse the retirement benefits of the petitioner without loss of further time based on the date of birth already available in records. He has also made an endorsement to that effect.

4. The learned Additional Government Pleader appearing for the first respondent submitted that the retirement benefits of the petitioner payable as per the rules, will be disbursed, within a period of six weeks, if no other impediment is there for the respondents to consider such claim.

5. Recording the above submission of learned counsel on either side, this writ petition is disposed of with a direction to the respondents to consider the claim of the petitioner for paying the retirement benefits and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

gsk

To

1.The Additional Director,
O/o. Municipal Administration,
Cheapauk, Chennai 600 005.

2.The Commissioner,
Vridhachalam Municipality,
Cuddalore District.

+1 CC to Mr.D.Shivakumar, Advocate sr 18807.

+1 CC to Govt. Pleader sr 19328

W.P.No.27014 of 2015

NRL (CO)

SP(27/03/2019)