

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.13536 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the inaction of the respondent No.2 herein in taking steps to correct date of birth of the petitioner in his service record as 10.6.1969 instead of 19.11.1959 inspite of the written representations dt.28.12.2016, 29.11.2016 and 30.5.2019 duly enclosing the school records followed by repeated visits, as being illegal, arbitrary, unjust and against the principles of natural justice and consequently direct the respondents to correct the date of birth of the petitioner in his service record as 10.6.1969 instead of 19.11.1959 as per the School records of the petitioner”.

Heard Mr.M.Sinivas, learned counsel for petitioner and Mr.A.Ravi Babu, learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as a Driver during the year 1992. At the time of his appointment, his date of birth was correctly entered in the service record as 10.06.1969 and the respondents, without issuing any notice, have straight away corrected his date of birth as 19.11.1959 instead of 10.06.1969 and based upon the altered date of birth, the respondents have unilaterally retired him from service with effect from 30.11.2017. Aggrieved by the same, he has submitted representations to the respondents on 28.12.2016, 29.11.2016 and 30.05.2019 requesting not to alter his date of birth without following due process of law and without giving any opportunity to him. But, so far, the respondents have not passed any orders on the said representations nor considered his case.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representations submitted by the petitioner and pass appropriate orders in accordance with law.

The learned Standing Counsel appearing for the respondents has contended that the case of the petitioner will be considered and appropriate orders would be passed on the representations submitted by the petitioner in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 2nd respondent to consider the representations submitted by the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 19-08-2019
Prv