

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4263 of 2019
and CMP Nos.26583 of 2019 and 1804 of 2020

Smt.B. Mala

.. Appellant

-vs-

1. N. Karikalan

2. The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

4. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order passed in W.P.No.21192 of 2019 dated 20.11.2019.

Prayer in WP.21192/19: Writ petition filed under Article 226 of
constitution of India, to issue a writ of certiorarified
mandamus to call for the records pertaining to the proceedings
of the 2nd respondent in Resolution No.6.08/484 dated 19-03-2018
and quash the same as illegal, incompetent and ultravires and
consequently direct the respondents to make correction of the
petitioner date of birth in the service Registrar as 27-07-1963
instead of 20-01-1962 by considering the petitioner
representation dated 06-06-2019 and 20-11-2017.

For Appellant : Mr.V. Chockkalingam
For R.1 : Mr.S. Srinivasan for
Mr.S. Thirumavalavan
For R.2 : Mr.R.J. Radhika
Govt. Advocate
For R.3 & R.4 : Mr.M. Rajasekar

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. The contention raised is that the learned Single Judge has proceeded erroneously to interfere with a matter relating to alteration of date of birth, inasmuch as it is settled proposition of law that the date of birth cannot be altered at the fag end of the career.

3. We entirely agree with this argument raised on behalf of the appellant. It has been very fairly pointed out by the learned counsel for the appellant that the first respondent, Mr.N.Karikalan, has been allowed to retire from 31.01.2020 afternoon. A copy of the order has been placed before this Court, which reads as under:

ABSTRACT

Establishment - Tamil Nadu Slum Clearance Board -
Technical - Thiru.N. Karikalan, Superintending
Engineer, Chennai Circle - II - Retirement from
service on Superannuation on 31.01.2020 Afternoon -
Orders - issued.

HOUSING AND URBAN DEVELOPMENT (SC2(2) DEPARTMENT

G.O. (D) No.25

Dated:31.01.2020

விகாரி வருடம் தை 17
திருவள்ளூர் ஆண்டு 2051

Read:

From the Managing Director, Tamil Nadu Slum
Clearance Board, Chennai, Letter
Rc.No.11/14116/2019, dated 31.01.2020.

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ORDER:

In the circumstances stated by the Managing Director, Tamil Nadu Slum Clearance Board, Thiru.N. Karikalan, Superintending Engineer, Chennai Circle-II, Tamil Nadu Slum Clearance Board is permitted to retire from service on Superannuation on 31.01.2020 Afternoon.

(By ORDER OF THE GOVERNOR)

S. KRISHNAN

PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

4. In the wake of the aforesaid fact, it is also pointed out that this date of retirement is in consonance with the original date of birth as recorded in the Service Book and not as per the altered date of birth. Consequently, in our opinion, the very issue has now become academic with the retirement of the first respondent with effect from 31.01.2020 and which, in no way, will affect or prejudice any of the service benefits to which the appellant may be entitled. The first respondent had also been extended the benefit of promotion, whereafter he has been allowed to superannuate on the same day.

5. In the above circumstances, the grievance raised before the learned Single Judge stands resolved and we dispose of the appeal without approving the position of law as declared by the learned Single Judge. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sr

To

1. The Principal Secretary,
Government of Tamil Nadu,
Housing and Urban Development Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

3. The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai - 600 005.

+1cc to Mr.M.Rajasekhar, Advocate SR.9673
+1cc to the Government Pleader SR.9471

W.A.No.4263 of 2019

LN(CO)
CB(02/03/2020)



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