



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.17804 of 2017

and

W.M.P.Nos.19310 & 19311 of 2017

S.Vidya alias Vidyawathi

...Petitioner

Vs

1. District Collector,  
Nutrition Scheme Division,  
Kancheepuram District,  
Kancheepuram.

2. The Commissioner,  
Office of the Commissioner,  
Pallavaram Municipality,  
Chrompet, Chennai-44.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the first respondent in order No.Na.Ka.No.9178/17/SaUthi/Po 1 dated 04.07.2017 quash the same and consequently direct the respondent to enter the date of birth of the petitioner as 24.04.1963 in the service Register on the basis of the school leaving certificate and reinstate the petitioner in service as Cook in Pallavaram Municipality Primary School with back wages.

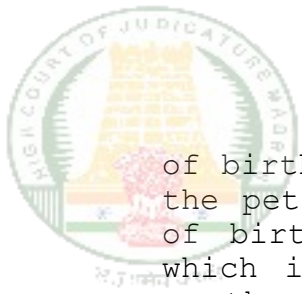
For Petitioner : Mr.L.P.Maurya

For Respondents : Mr.Thippu Sulthan  
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein, who was employed as a cook in the Pallavaram Municipality Primary School from 01.02.1985 onwards, claims her date of birth to be 24.04.1963, as against the date



of birth shown in the service records as 01.07.1955. Admittedly, the petitioner herein had not sought for alteration of the date of birth in the service records within a period of 5 years, which is required under various Government regulations as well as the decisions of this Court. As such, the petitioner herein may not be entitled to seek for alteration of her date of birth in the service records at this belated point of time or after an expiry of 5 years.

3. The learned counsel for the petitioner would submit that even if the alleged correct date of birth, i.e., 24.04.1963, is concerned, she had already reached her age of superannuation as on date and therefore, seeks for disbursement of the monetary benefits.

4. The learned Government Advocate appearing for the respondents would submit that since the petitioner had not approached this Court on time, seeking for alteration of the date of birth in the service records, she is not entitled for such monetary benefits.

5. When the petitioner herein had retired from service after completion of 60 years, as per the date of birth in her service records, i.e., 01.07.1955, she would be entitled for pensionary benefits, if she is otherwise entitled to it. Even assuming that her date of birth is correct in her service records as 24.04.1963, the petitioner would have retired on 23.04.2021 and since she was not working after retirement, which was calculated from the date of birth as 01.07.1955, she would not be entitled for any monetary benefits on the principle of 'no work no wages'. In this background, I do not find any infirmity with the reasons adopted by the first respondent in rejecting the petitioner's request.

6. At this juncture, the learned counsel for the petitioner would submit that in view of the pendency of the writ petition, the first respondent herein had not disbursed the pensionary benefits.

7. It is needless to point out that the pendency of this writ petition will not be an impediment on the part of the respondent to exercise their duty to disburse the pension. However, since it is claimed that the petitioner has not been extended such monetary benefits, there shall be a direction to the first respondent to forthwith disburse all the pensionary benefits to the petitioner as on the date of her retirement [calculated from the date of birth as 01.07.1955], as expeditiously as possible, within a period of twelve weeks from the dated of receipt of a copy of this order.



8. The writ petition stands ordered accordingly.  
Consequently connected miscellaneous petitions are also closed.  
No costs.

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Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The District Collector,  
Nutrition Scheme Division,  
Kancheepuram District,  
Kancheepuram.
2. The Commissioner,  
Office of the Commissioner,  
Pallavaram Municipality,  
Chrompet,  
Chennai-44.

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JPL(CO)  
RGA(05/08/2021)