



W.P.No.18638 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.18638 of 2020 and
W.M.P.Nos.23116 & 23396 of 2020

S.M.Sekar

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai - 2.
- 3.The Superintending Engineer,
TANGEDCO, Vellore Electricity
Distribution Circle,
Vellore District.
- 4.The Executive Engineer (O&M),
West / Nemili, TANGEDCO,
Arakonam.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 3rd respondent



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vide memo No.015041/234/Ni.P.2/U.1/1/2018, dated 31.05.2018 and consequential order by the third respondent vide Letter No.000050/82/Me.Po/Wey/Ni.Pi2/U1/2020 dated 17.02.2020 and quash the same and consequentially direct the respondents to reinstate the petitioner in service as Wireman in the office of the 4th respondent with effect from 01.06.2018 with all consequential monetary benefits on the basis of the certificate issued by the Medical Board dated 21.06.2018.

For Petitioner : Mr.S.N.Ravichandran
For Respondents : Mr.K.Rajkumar, Standing Counsel

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 3rd respondent vide memo No.015041/234/Ni.P.2/U.1/1/2018, dated 31.05.2018 and consequential order by the third respondent vide Letter No.000050/82/Me.Po/Wey/Ni.Pi2/U1/2020 dated 17.02.2020 and quash the same and consequentially direct the respondents to reinstate the petitioner in service as Wireman in the office of the 4th respondent with effect from 01.06.2018 with all consequential monetary benefits on the basis of the certificate issued by the Medical Board dated 21.06.2018.

2. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner



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and Mr.K.Rajkumar, learned Standing Counsel for the respondents.

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3. The petitioner was given with a punishment of reduction of pay pursuant to the disciplinary action initiated against him on the allegation that he has produced a false certificate in respect of his educational qualification. Since the petitioner has not produced any reliable certificate and the certificate produced by him was found to be a bogus one, the respondent Board has referred the petitioner to a medical board to give age certificate. The Board has issued certificate on 21.06.2018, by coming to the conclusion that the petitioner would have been more than the age of 45 years and communicated the same to the third respondent on 21.06.2018. Even prior to that, the petitioner was relieved from service on 31.05.2018 due to superannuation as on the date of birth entered in the alleged false certificate. The petitioner has given a representation in this regard, but it was rejected on 17.02.2020.

4. The learned counsel for the petitioner submitted that if the respondents had not opted to accept the petitioner's educational



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qualification, they ought not to have relied on the date of birth details mentioned in the certificate and they ought to have waited for the age certificate given by the medical board. Since the petitioner has been relieved in a pre-matured manner even before he attaining the age of superannuation, he has filed this Petition with the above prayer.

5. The learned Standing Counsel for the respondents submitted that the fourth respondent had given intimation to produce any age certificate but the petitioner did not produce the same. Even before medical certificate was received by the third respondent, the petitioner went on unauthorised leave and he reported back only on 11.06.2018 along with a fitness certificate. However, he was not allowed to join because he was already relieved due to superannuation.

6. The one and only grievance of the petitioner is that he has been relieved from service even before he attained the age of superannuation. The petitioner was punished earlier for producing a false certificate in respect of his educational qualification. It is claimed by the petitioner that



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if the educational certificate produced by him is found to be false, it ought to have been rejected for all purposes including the date of birth of the petitioner found therein and the respondents ought to have waited for the medical age determination. Even in the report of the medical board, the petitioner's age was not fixed accurately. But it has been simply stated that the petitioner would be above 45 years. The medical age certificate cannot say what is the exact age of a person and when is his date of superannuation. The medical opinion can only state the approximate age group in which a person would belong by taking into consideration of the radiology and other examination in this regard.

7. The petitioner has already defrauded by producing a false educational certificate and got a minor punishment. Now by taking advantage of his own fault, claims that his date of birth found in the false educational certificate should not be relied. Had there not been any action taken against the petitioner for producing a false certificate, his date of birth which is found in the said certificate would have been relied by him without any doubt and that would have been accepted for all purposes



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including the determination of his age of superannuation.

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8. In fact, not producing an authentic certificate is the fault of the petitioner. any acceptable age certificate at the time when he joined. When the respondent Department found fault with the petitioner for producing a false certificate, it ought to have insisted the petitioner to produce any proof to show his age in the event of continuing his service. The omission on the part of the department and lenient view taken against the petitioner, had emboldened him to cast a duty on the department to fix his age. It is not the employer's responsibility to fix the age of the employee. The employee is obligated to produce any proof to show his date of birth. Having failed to do that, the petitioner had turned around and blamed the respondents. The petitioner cannot be allowed to take advantage of his own fault and reap benefit out of the same.

9. The learned counsel for the petitioner submitted that the educational certificate cannot be made as a matter of fuss because for the post of Wireman, there is no educational qualification is required. So the very object of producing the educational certificate of the petitioner is to show his date of birth for his employment purpose. Rightly or wrongly



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the respondent Department had taken into account of the date of his birth mentioned in the certificate and appointed him. Now he is relieved on superannuation by computing his age from the date of birth mentioned in the certificate. In fact the respondents ought to have dismissed the petitioner from service for having given a false certificate and made false representation. Since the respondent has taken a lenient view and had imposed a simple punishment, the petitioner has attempted to take advantage of his own wrong to make undue claims through this Writ Petition.

10. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes
Internet : Yes/No
Speaking / Non-speaking
gsk

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R.N.MANJULA, J.

gsk

To

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