



W.P.No.34550 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.34550 of 2016

M.Sadhasivam

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board (TNEB),
NPKRR Maaligai,
No.144, Anna Salai,
Chennai - 600 002.
- 2.The Chief Engineer (Distribution),
Tamil Nadu Electricity Board (TNEB),
Coimbatore Region, Coimbatore.
- 3.The Superintendent Engineer,
Tamil Nadu Electricity Board (TNEB),
Coimbatore Electricity Distribution-Circle/
South/Coimbatore - 12.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to consider the petitioner Mercy Petition dated 07.03.2012 for alteration of the petitioner date of birth as 05.10.1962 instead of 21.03.1960.



W.P.No.34550 of 2016

WEB COPY

For Petitioner : Mr.A.Esakkiappan

For Respondents : Mr.K.Rajkumar
Standing Counsel for TANGEDCO

ORDER

The petitioner seeks issuance of a Writ of Mandamus, to consider his Mercy Petition dated 07.03.2012 for alteration of date of birth as 05.10.1962 instead of 21.03.1960.

2. The petitioner was appointed as Switch Board Operator in June 1984 with Tamil Nadu Electricity Board (TNEB). Subsequently, he was promoted as Technical Assistant, Assistant and later Junior Engineer Grade-II and from there, as Junior Assistant Grade-I. He came to know that his date of birth was wrongly mentioned in the Service Register Book and therefore, he made a representation on 10.06.1993 for alteration of the same. The respondents rejected his request on the ground that it was against the TNEB services regulations.



W.P.No.34550 of 2016

WEB COPY

3. The petitioner preferred an appeal dated 14.10.1993 before the second respondent/appellate authority. The same was also dismissed by the second respondent on 09.12.1993.

4. As against the said order of the second respondent/appellate authority, the petitioner filed a Mercy Petition on 07.03.2012, which is sought to be considered by issuance of a Writ of Mandamus in the present writ petition.

5. The learned Standing Counsel for the respondents Board would submit that any application for alteration of date of birth ought to have been made within five years from the date of joining in service and admittedly, the petitioner's application was belated and the respondents Board rejected the same and therefore, there is no purpose in directing the Mercy Petition to be heard afresh.

6. It is also brought to the notice of this Court that the petitioner has retired from service.



W.P.No.34550 of 2016

WEB COPY

7. Considering the above, this Court feels that the petitioner cannot seek issuance of a Writ of Mandamus, when he does not have a legal right. If at all, his application was made in time i.e., within a period of five years from the date of joining in service with the respondents Board, he may claim to have a legal right and approached this Court. Here admittedly, the petitioner's application was belated and rightly rejected by the respondents Board.

8. For all the above reasons, there is no merits and the Writ Petition is accordingly dismissed. No costs.

23.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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W.P.No.34550 of 2016

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W.P.No.34550 of 2016

P.B.BALAJI, J.

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