



W.P.No.13857 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.13857 of 2020

T. Sreerangan

... Petitioner

Vs.

1. The Chairman
The Tamil Nadu Generation and
District Corporation,
TANGEDCO, Anna Salai
Chennai 600 002.
2. The Chief Engineer (Personnel),
TANGEDCO, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer
Namakkal Electricity Distribution Circle,
TANGEDCO,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 2nd respondent Board to fix the petitioner's age as 40 as on 30.12.2015 and date of birth as 01.07.1975 the date of report of the medical Board by disposing his representation dated 12.03.2020.



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For Petitioner : Mr.B.Manoharan
For Respondents : Mr.K.Purushothaman

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ORDER

The petitioner has filed this petition seeking direction to the 2nd respondent Board to fix his age as 40 as on 30.12.2015 and date of birth as 01.07.1975 as per the date of report of the medical Board and to dispose of his representation dated 12.03.2020.

2. The case of the petitioner is that the petitioner viz., T.Sreerangan joined as a contract labour in the respondent Board, subsequently he was absorbed as Temporary Casual Labour (TCL) in the year 2007 and regularised as Mazdoor in July 2008 and now working at the office of the 3rd respondent. Later he filed W.P.Nos.27268 of 2011 and 16441 of 2012 challenging the order of suspension and charge memo issued by the Board. By common order dated 28.03.2014 this Court allowed both the writ petitions and gave liberty to the respondent Board to refer him to the medical Board for ascertaining the date of birth. Then the respondent Board directed the petitioner to appear before the Medical Board at Government Mohan Kumaramangalam Medical College Hospital at Salem to ascertain his age



along with one Kandasamy who is the petitioner in W.P.Nos.27269 of 2011 and 16442 of 2012. The petitioner appeared before the Medical Board and by report dated 30.12.2015 certified that he is aged between 40 to 45 years. The third respondent vide proceedings dated 25.07.2018 fixed his age as 45 years as on 30.12.2015 and date of birth as 01.07.1970 as per the Board Regulation.

21. On the same day, the Medical Board issued certificate to above said Shri.Kandasamy as 54-59 years, the second respondent herein taking note of the Medical Board, took the age as 54 years and date of birth as 01.07.1959. Thereafter the petitioner made a representation to correct the age as did to Shri.Kandasamy and the third respondent through his reply dated 19.11.2019, informed that the age was fixed as per the orders of the 2nd respondent herein. Hence the petitioner made a fresh application dated 12.03.2020 to the 2nd respondent herein through proper channel and also sent an advance copy by post. The 3rd respondent instead of forwarding the petitioner's application addressed to the 2nd respondent, once again vide by reply dated 30.06.2020 informed that the age was fixed as per the orders of the 2nd respondent. When the petitioner approached the office of the 3rd



respondent and enquired about the same, they orally directed him to approach the office of the 2nd respondent and thereafter the petitioner approached the 2nd respondent and they orally advised the petitioner to get an order from this Court. It is pertinent to mention here that on the same day i.e., on 30.12.2015, the Medical Board gave report as regard to age of the petitioner as 40-45 years and Shri.Kandasamy 54-59 years. The respondent fixed higher age for petitioner and lower age for Shri.Kandasamy which is illegal and unconstitutional. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing for the petitioner has restricted his relief by submitting that the petitioner may be permitted to submit a fresh representation to the first respondent, who in turn may be directed to consider and dispose of the same within a particular time frame to be fixed by this Court.

4. Heard the learned counsel on either side and perused the materials available on record.



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5. Taking into consideration the factual aspects of the matter and without going into the merits of the case, this Court issues the following directions:

(i) the petitioner is directed to send a fresh representation to the first respondent, within a period of two weeks from the date of receipt of a copy of this order.

(ii) on such representation being made, the first respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law on par with the said Kandasamy who is similarly placed like that of the petitioner, within a period of four weeks thereafter.

6. This Writ Petition is disposed of with the above observation and directions. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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