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W.P.No.19437 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2023

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.19437 of 2023
and W.M.P.No.18693 of 2023

C.Masilamani

... Petitioner

-VS-

1.The Chief General Manager,
Mines-I and II
Neyveli Lignite Corporation Limited,
Neyveli - 607 801.

2.The Chief Personnel Manager
Mine II
Neyveli Lignite Corporation Limited,
Neyveli - 607 801.

3.The Managing Director,
Opposite to Thermal - 1
NLC INDCO SERVE
Neyveli - 7.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus, calling for the records
of the third respondent pertaining to his order dated 23.06.2023, quash the



W.P.No.19437 of 2023

same and direct him to correct the date of birth of the petitioner in the office records as 14.06.1969.

For Petitioner : Ms.R.Meenal

ORDER

This Writ Petition has been filed for Certiorarified Mandamus, calling for the records of the third respondent pertaining to his order dated 23.06.2023, quash the same and direct him to correct the date of birth of the petitioner in the office records as 14.06.1969.

2. The petitioner was working in INDCOSERVE and thereafter, he was regularized in service. The regularization was pursuant to the order of the Supreme Court. Pay an order of the Supreme Court, contract labourers who were engaged by NLC, were regularized and the inclusion was as per the list prepared by the NLC. The list was approved by the Supreme Court . It has been implemented thereafter.



W.P.No.19437 of 2023

WEB COPY

3. The case of the petitioner is that the petitioner's actual date of birth is 14.06.1969 and not as recorded by the NLC INDCOSERVE Managing Director, which is 01.07.1963. He wanted the correction in date of birth. In order to substantiate his case, he has produced an age certificate issued by the Assistant Section Officer of the Government General Hospital, Chennai dated 10.12.2006. This shows an approximate age of 40 years only. This certificate is not conclusive as to the date of birth of 14.06.1969. Even in the data that was collected from the contract workers, the petitioner has left the date of birth "blank" as is clear from page no.19 of the typed set of papers. The other documents the petitioner relies on, are (i) Ration card, (ii) Aadhar card, (iii) Pan card and (iv) the member book that is maintained from the employees provident fund organization.

4. All these documents are self serving documents in which date of birth is given by the petitioner to the concerned authorities. In any event, they are not even *prima facie* proof, let alone, conclusive proof for the purpose of arriving at the correct date of birth.



W.P.No.19437 of 2023

5. The identity card issued by NLC INDCOSERVE, has a date of birth as 14.06.1969. This is not conclusive proof either. On the contrary, a seniority list that has been produced in the typed set of papers at page no.37 would show that his date of birth was given as 01.07.1963.

6. The petitioner did not apply for the correction of date of birth immediately and moved the authority only during the fag end of his tenure. He is to retire today (30.06.2023) and this writ petition comes only after the Managing Director of NLC INDCOSERVE have served the impugned order. Going by the records, I am not convinced that the petitioner has any authenticated proof that he was born in the year 1969 and not in the year 1963. I am not convinced with the contention of the petitioner.

7. Accordingly, W.P.No.19437 of 2023 is dismissed. No costs. Consequently, W.M.P.No.18693 of 2023 is closed.

30.06.2023

rna

Index : Yes / No

Internet : Yes / No

4/6



W.P.No.19437 of 2023

WEB COPY

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W.P.No.19437 of 2023

V.LAKSHMINARAYANAN.J,

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