



W.P.(MD).No.17600 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.17600 of 2013

and

M.P.(MD).No.1 of 2013

K.Venkittu

... Petitioner

Vs.

1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
NPKRR Maaligai,
144, Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Vallam Road,
Thanjavur.

3.The Executive Engineer,
O & M/Urban/Thanjavur,
Tamil Nadu Generation and Distribution Corporation Limited,
Thanjavur.

4.The Junior Engineer,
O & M/Manambuchavadi,
Manambuchavadi,
Tamil Nadu Generation and Distribution Corporation Limited,
Thanjavur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in No.EE/O & M/Urban/TJR/A.1/F.26/13, dated 1.10.2013 passed by the third respondent and quash the same, and further direct the respondents to correct the petitioner's date of birth as 9.10.1963 in his service records and to permit him to retire on the basis of this date of birth.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.M.Parameswari,
Standing Counsel.

ORDER

This Writ Petition is filed challenging the impugned order dated 01.10.2013 passed by the third respondent and to direct the respondent to correct the date of birth as 09.10.1963.

2. The contention of the petitioner is that he joined as contract labourer in Thanjavur Municipal Electrical Undertaking, TNEB/TJR on 29.03.1991. Thereafter, he was taken into regular service on 08.09.2007 as Mazdoor. According to the petitioner, he was born on 09.10.1963. However, in the record it has been entered as 10.10.1955. He is seeking to change the date of birth as



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09.10.1963. Since the petitioner has joined the service in the year 2007 itself, he ought to have claimed to rectify the mistake and change the date of birth within a period of 5 years that is on or before 2012. As per the record, the petitioner ought to have retired on 31.10.2013, if the date of birth is taken as 10.10.1955. Therefore, by considering the date of birth as 10.10.1955, the impugned order is passed allowing the petitioner to retire from service. Since the petitioner is not entitled to rectify his date of birth beyond the period of 5 years, this Writ Petition cannot be entertained and the writ petition is liable to be dismissed.

3. The Learned Counsel for the petitioner submitted that since this Writ Petition, the respondents have not disbursed the terminal benefits. Therefore, this Court directs the respondents to disburse the terminal benefits to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

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S.SRIMATHY, J.

Nsr

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