



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.7957 of 2013,
CONT P(MD)No.663 of 2018
and
M.P.(MD)No.1 of 2013

W.P.(MD)No.7957 of 2013:

D.Ravi Kumar (Died)

1.Sri Devi
2.R.S.Akaash Pravin

... Petitioners

vs.

1.The Superintending Engineer,
Kanyakumari Electricity Distribution
Circle,
Tamilnadu Generation and Distribution
Corporation,
Nagercoil, Kanyakumari District.



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

2.Dhuraishwamy

... Respondents

*(P1 and P2 are substituted, vide Court,
order, dated 14.12.2022)*

*(R2 is impleaded, vide Court order, dated
20.01.2023, in W.M.P.(MD)No.22041 of 2022
in W.P.(MD)No.7957 of 2013)*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the files of the respondent pertaining to its order bearing Memo No.004363/ADM.III/D1/2013, dated 19.04.2013 and to quash the same and consequently, to direct the respondent to reinstate the petitioner into service with all consequential and monetary attendant benefits.

For Petitioners : Mr.S.C.Herold Singh
For R1 : Mr.S.Arivalagan



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

CONT P(MD)No.663 of 2018:

D.Ravi Kumar ... Petitioner

vs.

S.Pearl Metilda, M.E,
Superintending Engineer,
Kanyakumari Electricity Distribution
Circle,
Tamilnadu Generation and Distribution
Corporation,
Nagercoil, Kanyakumari District.

... Contemnor/Respondent

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for wilfully disobeying and not complying with the order of this Court, dated 15.06.2016, in M.P. (MD)No.2 of 2014 in W.P.(MD)No.7957 of 2013.

For Petitioner : Mr.S.C.Herold Singh
For Respondent : Mr.S.Arivalagan



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the order, dated 19.04.2013 and consequently, to direct the 1st respondent to reinstate the petitioner into service with all consequential and monetary attendant benefits.

2. The petitioner was appointed as ITI Helper. Before he joined the service as Apprentice. The petitioner while he was appointed in the regular basis has crossed the cut off age. The cut off age that was prescribed is 38. The petitioner was aged around 41. The petitioner has mentioned the age in the application incorrectly. Therefore, the petitioner was appointed on 08.06.2009 and he joined the service on 09.06.2009. Subsequently, it was found out that erroneous date of birth



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

was given. Thereafter, the 1st respondent terminated the service of the petitioner through the impugned order. Challenging the same, the present writ petition is filed.

3. At the time of admission, this Court has granted an interim order of stay. But the 1st respondent has not implemented the interim order. When writ petition was taken up for hearing, it was reported by both the petitioner as well as the respondents that the petitioner died on 03.10.2022 and the legal heirs are impleaded in this writ petition.

4. The contention of the 1st respondent is that the petitioner has deliberately mentioned the date of birth wrongly, hence considering the facts, the petitioner was terminated from service.



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

7. With the above said direction, the writ petition is disposed of.

The contempt petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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

14.06.2023

Tmg



WEB COPY



*W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018*

S.SRIMATHY, J

Tmg

**W.P.(MD)No.7957 of 2013
and
CONT P(MD)No.663 of 2018**

14.06.2023