



W.P.(MD)No.7851 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7851 of 2020

and

W.M.P(MD) Nos.7322 to 7324 of 2020

Subbaiah

: Petitioner

Vs.

- 1.The District Collector
Office of the District Collector,
Sivagangai.
- 2.The Block Development Officer,
Office of the Block Development Officer,
Tiruppavanam,
Sivagangai District.
- 3.The President,
Perumanoor Village Panchayat,
Tiruppavanam Taluk,
Sivagangai District.

: Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued by the 3rd respondent in Na.Ka.No. 6/2020 dated 22.5.2020 and quash the same and consequently direct the respondents herein to permit the petitioner to join his duties under the 3rd respondent panchayat as a OHT Operator and work till the age of 60 years with all consequently benefits.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned order issued by the 3rd respondent in Na.Ka.No.6/2020 dated 22.5.2020 and consequently direct the respondents herein to permit the petitioner to join his duties under the 3rd respondent panchayat as a OHT Operator and work till the age of 60 years with all consequential benefits.



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2. The learned counsel for the petitioner submitted that the petitioner is a permanent resident of the Thirupavanam Village. He was appointed as a Over Head Tank Operator in the year 2000 and at the time of appointment, his service register was opened, in which, the petitioner specifically mentioned that his date of birth is 01.07.1968 and his retirement year is 2030 after attaining the age of 60 years, whereas, the third respondent panchayat, vide proceedings, dated 22.05.2020, forcibly allowed to retire the petitioner with effect from 31.05.2020, as if, the petitioner had crossed the age of 60 years and they fixed the age of 67 - 68. Challenging the said order of retirement, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that as per the declaration made by the petitioner, the petitioner's date of birth is 01.07.1968 and the same was entered in the service register. However, contrary to the service register, the third respondent passed the present impugned proceedings, dated 22.05.2020, as if the petitioner had crossed the age of 67, which is not sustainable one and the third respondent has no power to fix the age of the petitioner without any materials.



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4. Per contra, the learned Special Government Pleader appearing for the third respondent submitted that the petitioner himself produced the Aadhar Card and Family Card, including the Medical Officer Certificate. On perusal of the Aadhar card shows that the date of birth of the petitioner is mentioned as 02.03.1953 and the same was reiterated in the Family Card as 04.07.1953. Subsequently, the petitioner was examined by the Medical Officer, Government Primary Health Centre, Palayanoor, in which, the Medical Officer certified that the petitioner age is 67 - 68 years. Even as per the Basic Servant Rules, the retirement age of the Government employee is only upto 60 years and since the petitioner crossed the age of 60 years and his own document itself speaks that the petitioner age is 67 years, the claim made in the writ petition by the petitioner cannot be granted. Accordingly, he prayed for dismissal of the writ petition.

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



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6. The facts in the present case are not in dispute. On a perusal of the Aadhar card shows that the date of birth of the petitioner is mentioned as 02.03.1953 and the same was reiterated in the Family Card as 04.07.1953. Subsequently, the petitioner was examined by the Medical Officer, Government Primary Health Centre, Palayanoor, in which, the Medical Officer certified that the petitioner age is 67 - 68 years. Even as per the Basic Servant Rules, the retirement age of the Government employee is only upto 60 years and since the petitioner had crossed the age of 60 years and his own document itself reveals the petitioner's age is 67 years, the claim made by the petitioner in the writ petition cannot be granted.

7. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.01.2023

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

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M.DHANDAPANI, J.

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