



W.P.(MD).No.6784 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.12.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.6784 of 2024**

**and**

**W.M.P(MD)Nos.6316 & 16455 of 2024**

B.Mani

... Petitioner

Vs

1.The Chairman,  
TamilNadu Generation and Distribution Corporation Ltd.,  
(TANGEDCO), 144, 10<sup>th</sup> Floor, NPKRR Maaligai,  
Anna Salai, Chennai-600 002.

2.The Chief Engineer (Personnel),  
Tamilnadu Generation and Distribution Corporation Ltd.,  
(TANGEDCO),  
144, 10<sup>th</sup> Floor, NPKRR Maaligai,  
Anna Salai, Chennai-600 002.

3.The Superintending Engineer,  
Thanjavur Electricity Distribution circle,  
No.1, Vallam Road,  
Thanjavur-613 007.

4. The Executive Engineer, (O&M),  
Thanjavur Electricity Distribution Circle,  
Town Division, Rajan Thottam,  
Kumbakonam.

...Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the third respondent in Ku.Aa.No.3712/504/Nipi. 5/Ni.May/Ni.Uoo1/Ko.Thani/2024 dated 08.01.2024 and quash the same and consequently directing the respondents to allow the petitioner to continue in service in the post of Line Inspector, based on the date of birth as declared in the Birth Certificate issued by the Kumbakonam City Municipal Corporation dated 02.02.2024 as the date of birth of the petitioner as 26.11.1965 till the date of retirement on 30.11.2025 with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran  
Senior Counsel  
for  
Mr.F.Deepak

For Respondents : Mr.B.Ramanathan  
Standing Counsel

### **ORDER**

The instant writ petition has been filed by a Line Inspector working in the Thanjavur Electricity Distribution Circle, challenging the order passed by the third and fourth respondents herein dated 08.01.2024, wherein, the petitioner has been relieved from his services before completion of the Departmental Enquiry.



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2. Initially the petitioner was appointed as a Helper in Kumbakonam Rural Electrical Corporation on 09.02.2000. The said Electrical Corporation was get merged with the TANGEDCO on 13.07.2005. At the time of his initial appointment, the petitioner has produced a school certificate to the effect that he had passed eighth standard and his date of birth is 02.10.1965. When the school certificate was referred for verification, it was found that the certificate is fake and a charge memo was issued to the writ petitioner on 29.04.2023. Earlier show cause notice was issued to the writ petitioner on 09.03.2023. Since no explanation was submitted by the writ petitioner, a charge memo was issued on 29.04.2023, alleging that the petitioner has produced a fake transfer certificate to the effect that his date of birth is 02.10.1965. However, the petitioner before submitting his explanation has called for certain particulars from the TANGEDCO so that he could submit his explanation on 13.02.2024. Pending Enquiry, the petitioner was referred to the Medical Board, Medical College Hospital, Thanjavur, wherein a report has been submitted to the effect that the age of the petitioner may range from fifty to sixty years. Based upon the said report, the respondent authorities have taken a clue that the age of the writ petitioner would be sixty years and has proceeded to pass the present impugned order relieving the petitioner from services without prejudice to the



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departmental proceedings. These two orders are under challenge in the present writ petition.

3. According to the learned Senior Counsel appearing for the writ petitioner as per Rule 110(a) of TamilNadu Electricity Board Service Regulations, whenever a doubt is entertained by the Corporation relating to the date of birth, an opportunity should be granted to the concerned employee to produce his birth certificate. However, without providing any such opportunity, straightaway a charge memo has been issued. He further contended that as per the report of the Medical Board, the age may range from fifty years to sixty years. Therefore, the Corporation was not right in taking into consideration that the higher range. He further contended that when the departmental proceedings relating to the date of birth of the writ petitioner is pending, the respondent authorities were not right in relieving the petitioner from the services citing this medical report.

4. The learned Senior Counsel appearing for the writ petitioner had also relied upon the birth certificate issued by the Commissioner Kumbakonam Municipality, on 02.02.2024, wherein, it reveals that the petitioner was born on 26.11.1965, and the same was registered on 02.12.1965. He further contended



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that when this birth certificate was sent for verification to Kumbakonam Municipal Corporation, by way of proceedings dated 06.12.2024, the Corporation has informed the respondent authorities that the certificate is a genuine one. In such circumstances, the authorities were not right in relying upon the report of the medical board.

5. Per contra, the learned Counsel appearing for the respondent Corporation had contended that the petitioner having produced a fake transfer certificate from his school, has been issued with a charge memo and he is facing Enquiry. In such circumstances, the Corporation had to rely upon the report of the medical board and he had to be relieved from duty, in view of the fact that the petitioner has already reached the age of sixty years. He further contended that the petitioner has not produced the birth certificate either when the show cause notice was issued or when he was issued with a charge memo. The birth certificate has been obtained only on 02.02.2024, and therefore the impugned order passed by the authorities on 08.01.2024, cannot be found fault with.

6. I have carefully considered the submissions made on either side and perused the materials available on record.



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7. The respondent corporation has entertained some doubt with regard to the transfer certificate produced by the writ petitioner which reflects the date of birth of the writ petitioner as 02.10.1965. After receiving a report from the said school, disciplinary proceedings have been initiated and they are pending. In such circumstances, the Corporation ought not to have referred the writ petitioner to medical board to assess his age. In fact, the medical board has found that the age of the petitioner may range between fifty to sixty years.

8. In such circumstances, relying upon report of the medical board, the authorities ought not have passed the impugned order relieving the writ petitioner from services on the ground that the petitioner has already reached the age of sixty years. Therefore, the orders impugned in this writ petition are liable to be set aside and they are accordingly set aside. In view of the proceedings of Municipal Corporation, Kumbakonam dated 06.12.2024, there cannot be any doubt with regard to the genuineness of the birth certificate of the writ petitioner, reflecting the date of birth as 26.11.1965.



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9. In such circumstances, the respondent TANGEDCO is directed to consider the said birth certificate in the light of Rule 110 of Service Regulations and pass orders in the disciplinary proceedings after giving due opportunity to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above said observations, this writ petition allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**11.12.2024**

NCC : Yes/No  
Index : Yes/No  
Internet: Yes/No  
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**R.VIJAYAKUMAR, J.**

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To

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