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WA No. 3348 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 3348 of 2025

ANDCMP NO. 27313 OF 2025

The Commissioner
Hindu Religious and Charitable Endowments,
Uthamar Ghandhi Salai, Chennai - 034.

..Appellant

Vs

1. M. Ramanikandan
S/o. Muthusamy, No.10/H, Adidi Plaza,
Krishna Chetty Steet, Erode-3.Chennai.
2. Thamizh Naadu Public Service Commission,Rep. by
its Secretary, No.1, Greams Road,
Chennai-600 006.
3. The City Health OfficerTrichirappalli City
Corporation, Trichirappalli.
4. The Commissioner,Revenue Administration,
Ezhilagam, Chepauk, Chennai - 600 005.
5. The Joint Commissioner,Hindu Religious and
Charitable Endowments Uthamar Ghandhi Saalai,
Chennai - 600 034.
6. The Joint CommissionerHindu Religious and
Charitable Endowments Salem.
7. The Joint CommissionerHindu Religious and
Charitable Endowments Coimbatore.



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8. The Joint Commissioner / Executive Officer, Arulmighu Mariamman Temple, Samayapuram, Trichy District.
9. The Deputy Commissioner / Executive Officer, Arulmighu Bannari Mariamman Temple, Bannari.
10. The Assistant Commissioner, Hindu Religious and Charitable Endowments Erode.
11. The Assistant Commissioner, Hindu Religious and Charitable Endowments Salem.
12. Regional Audit Officer, Hindu Religious and Charitable Endowments Erode

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the Order passed in WP.No. 29942 of 2018 dated 14.12.2022

For Appellant : Mr.N.R.R.Arun Natarajan
Special Government Pleader

For Respondents : Dr.A.E.Chelliah, Senior Counsel
for Mrs.C.Vasanthakumari Chelliah
and Mr.K.Ramanujam – for R1

Mr.E.Veda Bagath Singh
Special Government Pleader
-for RR 3 and 4

Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 14.12.2024 in W.P.No.29942 of 2018.



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2. The first respondent / writ petitioner was appointed as Executive Officer, Grade III in the year 2000 and thereafter he was promoted as Executive Officer Grade II. While that being so, applications were called for direct recruitment to the post of Executive Officer, Grade I in the year 2013, which was responded to by the writ petitioner and ultimately, in the selection he was selected and appointed as Executive Officer, Grade I on 29.07.2013.

3. After entering into the service as Executive Officer, Grade I by way of direct recruitment, he had made an application in the year 2015 to seek for alteration of his date of birth. The said application has been turned down by citing the reason that, such an application for alteration of date of birth has to be made within five years period from the date of entry into service and not beyond that. Therefore, in the case in hand since the first respondent / writ petitioner has entered into service as Executive Officer Grade-III and is presently working as Executive Officer Grade I, his service shall be treated as continuous service and therefore the five years period should be calculated from 2000 and not from 2013. In that case, the five years period since was over as early as in 2005 itself, his application cannot be considered for alteration of date of birth. However, this position is not properly considered by the learned single Judge, who set aside the order passed by the appellant and ultimately directed the appellant to re-consider the issue. Aggrieved over the same, the present writ appeal has been filed.



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4. We have heard Dr.A.E.Chelliah, learned Senior Counsel appearing for the first respondent / writ petitioner, who on instructions would categorically state that, insofar as the entry into the service as Executive Officer Grade III is concerned, that service was over the moment he applied afresh by way of direct recruitment to the post of Executive Officer Grade I and accordingly by way of competitive selection, since he was selected and appointed as Executive Officer, Grade-I by way of direct recruitment in the year 2013, only the said date ie., 29.07.2013 should be taken into account for the purpose of entry into service and therefore, ultimately if the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 is taken into account, certainly the application of the first respondent / writ petitioner is well within the time. Hence, the direction given by the learned Judge is to be sustained, learned Senior Counsel contended.

5. We have heard the rival submissions made by the learned counsel for both sides and have perused the materials placed on record.

6. It is the specific contention of the learned Special Government Pleader appearing for the appellant Department that, if at all this stand of the writ petitioner is taken into account, his date of entry into service for all purposes would only be treated as 29.07.2013, even for pensionable and other service to be calculated in this regard. Therefore, to that extent if the writ petitioner comes forward to confine



the claim made by him with regard to the alteration of date of birth, the appellant Department may not have any grievance to agitate the issue.

7. When we specifically posed this question to the learned Senior Counsel appearing for the first respondent / writ petitioner, he on instructions would submit that, insofar as the writ petitioner is concerned, even though he was originally appointed as Executive Officer Grade III in the year 2000, that service was over the moment he got selected by way of direct recruitment to the post of Executive Officer Grade I in the year 2013 ie., 29.07.2013. Therefore, for all practical purposes, including service for the purpose of pension and other service benefits, it shall be treated as fresh service only from the date of entry into service as Executive Officer, Grade I ie., from 29.07.2013. Therefore, in that case it is within the limitation period of five years.

8. In view of the said stand that, there would be no lien for the respondent / writ petitioner to claim any service benefits from the date of original entry into service as Executive Officer Grade III, there could be no further impediment for the appellant Department to consider his application for alteration of date of birth by taking the limitation period only from 29.07.2013 as it is within the five years period. Since the application was submitted in the year 2015, the said application can very well be considered on merits and a decision can be made as directed by the learned Judge through the impugned order.



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9. In view of the aforesaid facts, we are not inclined to interfere with the order passed by the Writ Court except to give one clarification that, insofar as the entry into service of the first respondent / writ petitioner is concerned, for all purposes including pension and other service benefits, it shall only be treated as 29.07.2013 and his past service from the year 2000 to 2013 as Executive Officer Grade III or Executive Officer Grade II would not confer any right to claim any service benefits in future by the first respondent / writ petitioner.

10. With the aforesaid clarification, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
01-12-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



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To

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Uthamar Ghandhi Salai, Chennai – 034.
2. The Secretary
Thamizh Naadu Public Service Commission
No.1, Greams Road, Chennai-600 006.
3. The City Health Officer
Trichirappalli City Corporation, Trichirappalli.
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