



WEB COPY



WP No. 24004 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 24004 of 2025

AND

WMP NOS.26988, 26990, 26991 & 26992 OF 2025

1. K.Sampath

Line Inspector,

O/o Assistant Engineer / O And M,

Kavanoor, Ranipet District.

Petitioner(s)

Vs

1. The Chairman

Tamil Nadu Generation And Electricity

Distribution Corporation Ltd.,

No.144, Anna Salai, Chennai-2.

2.The Chief Engineer (Personnel)

Tamil Nadu Generation And Electricity

Distribution Corporation Ltd.,

No.144, Anna Salai, Chennai-2.

3.The Superintending Engineer

TANGEDCO, Vellore Electricity

Distribution Circle, Vellore District.



WP No. 24004 of 2025

4.The Executive Engineer (O & M)
West/Nemili, TANGEDCO, Arcot,
Ranipet District.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd Respondent in Ku.En.020442/1005/Ni.Pi.2/U1/Oivu2023-6, dated 27.05.2025, in so far the petitioner alone is concerned and quash the same and consequently direct the respondents to permit the petitioner to continue in service as a Line Inspector, in the office of Assistant Engineer /O and M, Kavanoor, Ranipet District, on the basis of the minimum age of 55 years, determined by the Medical Board vide its Report, dated 31.12.2024, signed on 28.01.2025, with all consequential monetary, service, promotional and other attendant benefits.

For Petitioner(s): M/s. S.N. Ravichandran

For Respondent(s): Mr.C.Manoharan,
S.C., For R1 To R4

ORDER

The instant writ petition has been filed to call for the entire records connected with the impugned order passed by the 3rd Respondent in Ku.En.020442/1005/Ni.Pi.2/U1/Oivu2023-6, dated 27.05.2025, in so far the



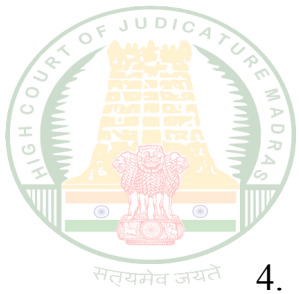
WP No. 24004 of 2025

WEB COPY

petitioner alone is concerned and quash the same and consequently direct the respondents to permit the petitioner to continue in service as a Line Inspector, in the office of Assistant Engineer /O & M, Kavanoor, Ranipet District, on the basis of the minimum age of 55 years, determined by the Medical Board vide its Report, dated 31.12.2024, signed on 28.01.2025, with all consequential monetary, service, promotional and other attendant benefits.

2. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.C.Manoharan, learned Standing counsel for the respondents.

3. The learned counsel for the petitioner would submit that according to the Service Register, the petitioner's age is referred as 40 years and that was subsequently vindicated by the medical examination report dated 31.12.2024, by and in which, his age was between 55 – 60 years. Further, the learned counsel would rely upon the letter dated 06.02.2020, wherein the respondents had categorically mentioned that according to their service Regulations, while determining the age based upon the medical certificate, the minimum age referred to in the certificate has to be taken into consideration with reference to 1st July. If that being the case, the petitioner is only aged bout 56 years. However, by taking advantage of an incorrect entry of Birth date referred to in the Service Register viz., 05.06.1965, they are attempting to superannuate the petitioner by today.



WP No. 24004 of 2025

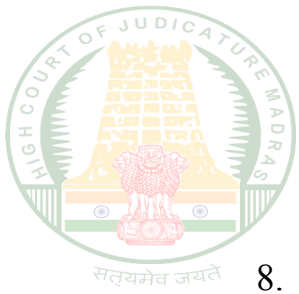
WEB COPY

4. At this juncture, the learned Standing Counsel appearing for the respondents has submitted an order dated 30.06.2025, through which the learned Standing counsel would submit that they have already relieved the petitioner on the afternoon of 30.06.2025.

5. I have given my anxious consideration to either side submissions.

6. The issue involved in this case is to find out the actual Date of Birth. According to the petitioner, he was born during 1967, whereas, even as per the Service Register of the petitioner, there are two entry one by age as 40 years, and another entry refers his date of birth as 05.06.1965. If the petitioner is 40 years on 07.03.2008 qua the date of joining, he could not have born on 05.06.1965 and his actual date of birth would only be 1967, which factum according to them was further established through the medical certificate. Though the submission of the learned counsel for the petitioner appears to be attractive, there is also another reference that the date of birth is 05.06.1965, which the respondents relied on and issued the order of superannuation. Therefore, in the present case, only after elaborate examination of documents and witnesses, this issue could be decided, and this factum cannot be ventured into by the Writ Court.

7. Apart from that, the petitioner naturally would come within the definition of “workmen”. Hence, his remedy is not before this Court and the petitioner has to work out his remedy before the Labour Court. In such view of the matter, this Court does not find any merits in this writ petition.



WP No. 24004 of 2025

8. In the result, this writ petition stands dismissed. However, the petitioner is given liberty to work out his remedy before the Labour Court. There shall be no order as to costs. Consequently, connected WMPs are also closed.

01-07-2025

kmi

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The Chairman

Tamil Nadu Generation And Electricity
Distribution Corporation Ltd., No.144,
Anna Salai, Chennai-2.

2. The Chief Engineer (personnel)

Tamil Nadu Generation And Electricity
Distribution Corporation Ltd., No.144,
Anna Salai, Chennai-2.

3. The Superintending Engineer

TANGEDCO, Vellore Electricity
Distribution Circle, Vellore District.

4. The Executive Engineer (O & M)

West /Nemili, TANGEDCO, Arcot,
Ranipet District.



WEB COPY



WP No. 24004 of 2025

C.KUMARAPPAN J.

kmi

**WP No. 24004 of 2025
AND
WMP NOS. 26988,
26990, 26991 & 26992
OF 2025**

01-07-2025