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WP.No.28472 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.28472 of 2018

A.Soundararajan,
Forester Social Forestry Division,
Dindigul District.

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Petitioner

Vs.

- 1 The Principal Chief Conservator
of Forest Head Of Forest Department,
Panagal Building, Saidapet,
Chennai-15.
- 2 The District Forest Officer,
Dindigul District,
Dingidul -4.
- 3 The District Forest Officer,
Theni Division,
Theni.
- 4 The Assistant Conservator of
Forests, Forest Squad,
Dindigul.

....

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Certiorarified Mandamus calling for the records on the file of the
1st Respondent pertaining to Na.Ka.AAa1/10878/2018 dated 26.3.2018 and



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consequential proceedings and quash the same and to direct the Respondents to make the correct entry of date of the petitioners joining duty as Forest Guard as 22.10.2000 instead of 24.10.2000 in the service Register and to consequently carry out the correction in all relevant records including the panel and state wide seniority list in the post of the Forester and to grant all consequential benefits to the petitioner.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Rajesh, Government Advocate

ORDER

This Writ Petition has been filed by the petitioner challenging the records on the file of the 1st Respondent pertaining to Na.Ka.AAa1/10878/2018 dated 26.3.2018 and subsequent proceedings; and to direct the respondents to make correct entry of the petitioners joining duty as 22.10.2000 instead of 24.10.2000 in the service Register and to consequently carry out the correction in all relevant records including the panel and state wide seniority list in the post of the Forester and to grant all consequential benefits to the petitioner.

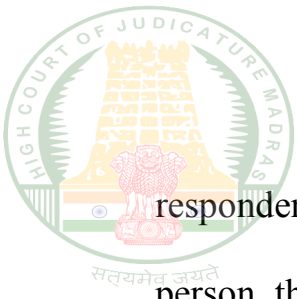
2.Heard Mr.M.Ravi, learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate for respondents and perused the materials



available on record.

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4. By invoking the above Rule, the first respondent had cancelled the correction already made in the service register of the petitioner. Initially, the petitioner has not made any claim as to his seniority in order to invoke Sec.40 (6) or to read with Rule 35 (f) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016. Even if some extraneous consideration is given by the

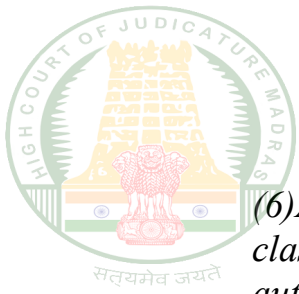


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respondents stating that the date of entry had an impact on the seniority of a person, the same should have been entertained within three years of his entry into service. The said logic cannot be made applicable to the case of the petitioner in the given circumstances.

5. A situation can be visualized if a person has wrongly entered his date of service as 01.01.1990 instead of his actual date of entry as 01.01.2000 and that becomes possible for the respondent department to give seniority benefit to the petitioner on and from 1.1.1990 by considering that he had been inducted into service on and from 1.1.1990 itself. This is obviously because these are all factual mistakes which had occurred inadvertently, which are liable to be corrected. Even when the mistakes have been found out at the instance of the respondents, without any application originating from the petitioner, the respondents have got a duty to effect the said corrections. Sec. 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, makes it explicit that no condition is laid down in the above provision. Therefore, it is not applicable to the cases of rectifying orders resulting from mistake of facts. For the sake of convenient understanding, the above provision is extracted as below:

“Section 40(6) in Tamil Nadu Government Servants (Conditions of Service) Act, 2016



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(6) Application for the revision of seniority of a person in a service, class, category or grade shall be submitted to the appointing authority within a period of three years from the date of appointment to such service, class, category or grade or within a period of three years from the date of order fixing the seniority, as the case may be. Any application received after the said period of three years shall be summarily rejected. This shall not, however, be applicable to cases of rectifying orders, resulting from mistake of facts. “

6. Apparently the mistake now sought to be rectified by the petitioner is a factual error that had occurred inadvertently while making entries in the service register. Even though the 4th respondent is kind enough to correct the same when it was brought to his knowledge, the 1st respondent had taken a pedantic interpretation of the Rules and had chosen to send a show cause notice, calling for an explanation to the 4th respondent for having corrected the mistake after three years.

7. The learned counsel for the respondent submitted that the impugned communication issued to the 4th respondent in the form of show cause notice dated 26.3.2018 was an inter-department communication and that cannot be challenged by the petitioner.



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8. It is true that the above communication has not been served on the petitioner. But the impact of the above communication has the repercussion of the interest of the petitioner and hence, the petitioner has come out with this writ petition. However, it is upto the fourth respondent to challenge, if necessary, the communication dated 26.3.2018. So far as the petitioner is concerned he is entitled to restore his joining date from the wrong entry of 24.10.2000 to 22.10.2000.

9. In view of the above discussions, the writ petition is **disposed** and the 1st and 4th respondents are directed to restore the joining date of the petitioner as 22.10.2000 in his service register and make all consequential corrections in all other documents like seniority list etc., that would flow from the above entry made in service register of the petitioner, within a period of four weeks from the date of receipt of copy of this order. Consequently, the connected Miscellaneous Petition, if any is closed.

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Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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