
(2002) 06 MAD CK 0089
In the Madras High Court
Case No : Writ Petition No. 17011 of 1999

C.T. Annamalai	Vs	APPELLANT
Tamil Nadu Cements Corporation Ltd.		RESPONDENT

Date of Decision : 25-06-2002

Acts Referred:

Citation : (2002) 06 MAD CK 0089

Hon'ble Judges : P.K. Misra, J

Bench : Single Bench

Advocate : S. Silambanan, for the Appellant; V. Kartick, for T.S. Gopalan, for the Respondent

Judgement

P.K. Misra, J.—Heard the learned counsel appearing for the parties. The question in this writ petition relates to the date of birth of the

present writ petitioner. At the time when the petitioner entered into service on 8.3.1972, his age had been indicated in the column in the register

maintained by the employer as 27. Subsequently the date of birth has been corrected as 15.5.44 and the date of retirement has been corrected as

14.05.2002. It is not disputed that the petitioner had signed a bio-data wherein it was indicated that the date of birth is 15.5.44. The petitioner

states that without fully understanding the contents of such bio-data he had signed the same, but his correct date of birth is 15.5.45 and in support

of his said contention the petitioner has produced copies of the driving licence, certificate of service in Military, and Identity card. The petitioner

claims that he came to know about the altered date of birth only in the year 1995. He made a representation dated 22.2.99. After such

representation was made, there has been no further enquiry by the employer and he has filed the writ petition in 1999. However, basing upon the

corrected entry of dated of birth as 15.5.44, the petitioner was given retirement with effect from May 2002.

2. In the counter affidavit it is stated that the petitioner himself had filed representation in 1993 and reply had been given by the employer in 1993

itself stating that that date of birth is 15.5.44 and not 15.5.45 as claimed by the petitioner.

3. In the above back ground, it is submitted by the learned counsel for the petitioner that without holding an enquiry and without having given

opportunity of hearing to the petitioner the employer should not have unilaterally entered the date of birth as 15.5.1944. On the other hand, it is

contended by the learned counsel appearing for the employer that the petitioner was aware of the corrected date of birth as entered in the records

and that being so he should have taken steps for correction of the same by filing a suit.

4. It appears that a representation was given by the petitioner, in 1993 according to the employer and in 1999 according to the petitioner.

However, the fact remains that there has been no formal enquiry by the respondent after the representation was made regarding the the date of

birth. When the petitioner had raised a dispute with regard to his date of birth and it was expected that the employer should dispose of the matter

by giving an opportunity and they should not have come to an unilateral conclusion. Having regard to the facts and circumstances of the case and in

the interest of justice I direct that the employer should hold an enquiry relating to the date of birth of the petitioner and decide the matter afresh

after giving an opportunity of hearing to the petitioner. Since the petitioner was already retired, it is necessary that such enquiry should be held as

expeditiously as possible and the matter should be heard within a period of two months from today. For facilitating early disposal, I direct that the

petitioner should appear before the General Manager of the respondent on 15th of July 2002. On which date the respondent may enquire into the

matter or fix any convenient date for holding enquiry. It is open to the petitioner to produce all relevant materials in support of his contention. It is

also made clear that no opinion is expressed regarding the correctness or otherwise of the date of birth and the matter is left to the General

Manager of the respondent to decide. If the date of birth as contended by the petitioner is accepted, the petitioner should be given re-employment

and continue to be in service till the subsequent date of retirement. On the other hand, if the date of birth as claimed by the management is

accepted,. no further action is called for on behalf of the management and only the result should be intimated to the petitioner.

5. With the above observations, the writ petition is disposed of alongwith the connected WMPs. No costs.