

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1321 of 2009

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Anil Kumar, son of Sri Baran Ram, Resident of New Colony, chhoteke Delha,
Budhlal Bhagat Lane, Gali No.7, P.S. Delha, P.O. R.S. Gaya, District Gaya

.... Petitioner

Versus

1. Food Corporation of India, Arunachal Bhawan, Exhibition Road, Patna
through its Senior Regional Manager
2. The Senior Regional Manager, Food Corporation of India, Arunachal
Bhawan, Exhibition Road, Patna
3. The Regional Manager, Food Corporation of India, Regional Office, Gaya
4. The District Manager, Food Corporation of India, Katari Hill, Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Manik Vedsen,
Mr. Subhash Chandra Bose, Advocates

For the Respondents : Mr. Prabhakar Tekriwal,
Mr. Shashi Dhar Jha, Advocates

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-11-2015

I have heard the parties and have perused the records of
the case.

Petitioner seeks quashing of the Annexure 15 which is
a letter dated 10.12.2008 issued by the Regional Manager, Food
Corporation of India, by which the petitioner's request for correction
in age in the service records has been turned down. The petitioner
further seeks direction to the respondents for correcting of his age in
the service book from 29 years to 20 years on 29.10.1984.

Petitioner claims that he was a daily wage worker of the
Food Corporation of India. His service was regularized with effect
from 29.10.1984 as Ancillary Worker in the Food Corporation of



India. It is further claimed that he had submitted his details under the proforma prescribed by the Food Corporation of India through the registered workers' Union which maintained relevant records of its members in which his age was shown as 20 years as on 29.10.1984. Subsequently, it came to the knowledge of the petitioner that his age has wrongly been recorded as 29 years on the aforesaid date and, accordingly, he made a complaint to the Union which wrote a letter to the District Manager, Food Corporation of India vide Annexure 1 dated 16.10.1998 appending therewith a copy of the petitioner's bio-data which was submitted by him at the time of his request through the Union showing the petitioner's age to be 20 years. Thereafter, the Deputy Manager on behalf of the Senior Regional Manager, Food Corporation of India sent a letter dated 19.11.1998 (Annexure 2) for sending the relevant original copy of the bio-data submitted by the petitioner. When the respondents neither made any correction in the records nor did they send any reply then again the matter was taken by the worker's Union by writing Annexure 3 which is a letter dated 23.12.2002 written by the Joint Secretary of the Union to the District Manager, Food Corporation of India, Katari Hill, Gaya. The petitioner also sent a letter dated 26.12.2002 to the Senior Regional Manager, Food Corporation of India, Regional Office, Patna (Annexure 4). Petitioner has also appended the certificate issued by the Hindi



Vidyapeeth, Deoghar as well as the admit card issued by the Bihar School Examination Board to show that his actual date of birth is 04.02.1965. From the copy of the certificate and the admit card appended as Annexure 6 series it appears that the admit card was issued on 21.02.1981 whereas the certificate granted by the Hindi Vidyapeeth, Deoghar was issued on 20th April, 1988. It is further claimed that the Joint Secretary of the workers Union had written Annexure 9 dated 14.03.2005 to the District Manager, Food Corporation of India expressing regret that despite the correspondence regarding the matter in issue, no reply has been received at his end even after expiry of seven years. It appears that the District Manager, thereafter, had written a letter dated 20.04.2005 (Annexure 10) stating that he has personally scrutinized the original bio-data available in the service book along with the GPF nomination form and there is clear indication that overwriting has been made without putting any initial in the bio-data where age has been recorded. However, in the GPF information column, the date of birth is recoded 29 years as per the bio-data by some official other than one who had made other entries in the said nomination form. Thereafter, on 7/8.5.2008-09 (Annexure 12) the Regional Manager had written to the General Manager, Bihar for necessary guidance in the matter. However, when nothing was done, the petitioner filed an application



for supply of necessary information under the Right to Information Act, 2005. He received information as contained in Annexure 14 clearly stating that what has happened ultimately is not known to the office concerned. Subsequently, on 10.12.2008, the impugned letter containing the decision of the authority rejecting the claim of the petitioner was issued.

Learned counsel for the petitioner has submitted that nothing was being done by the authorities in matter concerned, however, when an application was filed for supplying necessary information under Right to Information Act then the respondent authority has issued the impugned letter in a haste rejecting the claim of the petitioner without consideration of the issues raised by the workers Union or by him and the specific finding recorded by the District Manager that in the GPF information form, it appears that the date of birth was entered by some official other than the person who had rest of the entries.

It is also not understandable as to why the petitioner could not be put to medical examination for ascertaining the real issue.

A counter affidavit has been filed on behalf of the respondents. The original records have also been produced for perusal. The service book definitely shows that some overwriting is



there in the column where entry with respect to age has been made, however, it would be difficult to ascertain in this proceeding as to who has resorted to such overwriting and whether the 20 years was the correct age or 29 years was the correct age entered before overwriting. However, from the certificate issued by the Hindi Vidyapeeth, Deoghar and the Admit Card issued by the Bihar School Examination Board it appears that the date of birth of the petitioner has been recorded as 04.02.1965. Even the bio-data which has been brought on record by the FCI as Annexure B goes to show that the petitioner's age has been written as 20 years and not 29 years. The aforesaid bio-data appears to have been sent through the FCI workers Union. So far the form filled up by the petitioner with respect to the Provident Fund which has been brought on record as Annexure C is concerned, it is written in column no.11 that the age of the petitioner is 29 years as per the bio-data but that very entry in the same has been questioned in the present proceeding. That apart, the District Manager has stated in Annexure 10 in clear terms that the aforesaid entry appears to have been made by some other official and the rest of the columns appear to have been filled by different person.

The aforesaid circumstances added with further fact that Annexure 15 appears to be a non-speaking one as neither the issues raised by the petitioner or the workers Union has been

discussed nor does it disclose that even the views of the District Manager expressed in Annexure 10 written by him to the Senior Regional Manager, FCI , Regional Office, Patna has at least been considered. It is also intriguing as to why the petitioner could not be medically examined for coming to a just conclusion regarding his age.

The aforesaid lacunae renders Annexure 15 unsustainable in law and, as such, the same is quashed and set aside. The matter is remitted back to the respondent authority to take a fresh decision in accordance with law considering each and every aspect and also getting the petitioner medically examined for reaching to a proper conclusion regarding his age. The documents brought on record by the petitioner as Annexure 6 series should also be considered after its proper verification by the authorities before coming to the final conclusion.

This writ application, accordingly, stands allowed.

(Dr. Ravi Ranjan, J)

Spd / Sanjay-II/-

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