

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2850 of 2015**

Laxmina Devi, W/o Late Kapilmuni Yadav, aged about 57 years, R/o Ward Aaya Center Hospital, SECL, Bishrampur, District Surajpur (C.G.)

---- Petitioner**Versus**

1. South Eastern Coalfields Limited Through: The Chief Managing Director, Basant Vihar, Seepat Road Sarkanda, Bilaspur District Bilaspur (C.G.)
2. The General Manager, South Eastern Coalfields Limited, Bishrampur SECL Area, District Surguja (C.G.)
3. The Senior Manager, (APM), Bishrampur, District Surajpur (C.G.)

---- Respondents

For Petitioner	:	Shri Ashok Kumar Shukla, Advocate.
For Respondents	:	Shri S. Majid Ali, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/12/2015**

Heard.

(1) Learned counsel appearing for the petitioner would submit that age of the petitioner has wrongly been recorded in the service record and the petitioner has already retired prematurely from services on 31.10.2015 and, therefore, her matter may be referred to the Age Determination Committee for determination of her age within specific time frame in consonance with the provisions of implementation instruction No. 76, which prescribed procedure for determination/verification of age of employees, which is attracted in case of the petitioner.

(2) Shri S. Majid Ali, learned counsel appearing for the respondents would submit that the petitioner as framed & filed suffers from delay and laches and, therefore, it deserves to be dismissed.

(3) I have heard learned counsel for parties and considered their rival submissions made therein with utmost circumspection.

(4) Implementation Instruction No. 76 prescribed procedure for determination/verification of age of the employees. Clause A(iv) of the Implementation Instruction No. 76 states as under:-

“iv) Illiterate.

In the cases of appointee not covered under the foregoing clauses, the date of birth will be determined by the Colliery Medical Officer keeping in view any documentary and other relevant evidence as produced by the appointee. Date of birth as determined shall be treated as correct date of birth and the same will not be altered under any circumstances.”

(5) It is stated that the petitioner has been retired prematurely from the services on 31.10.2015 and, therefore, it would be expedient to refer the matter of the petitioner to the Age Determination Committee constituted by respondents/SECL for determination/verification of age of the petitioner in accordance with implementation Instruction No. 76 expeditiously preferably within a period of six months from the date of receipt of copy of this order.

(6) With the aforesaid observations, the writ petition stands finally disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-