

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION No.2581 of 2015

Shri Prakash s/o Deorao Walke

...Versus...

Western Coalfields Ltd., Silewara, Tah. Saner, Dist. Nagpur thr. Its Superintendent
(Mines) Manager and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D.S. Thakur, counsel for petitioner.

**CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.**

DATE : 08.09.2015

By this petition, the petitioner has challenged the notice of superannuation dated 14/15 December, 2014 issued by the respondent Corporation, thereby informing the petitioner that the petitioner would retire from service on attaining the age of superannuation on 30.6.2015.

According to the petitioner, though the petitioner was born in the year 1963, the respondent Corporation had wrongly recorded in the service record that the date of birth of the petitioner was 1.7.1955. It is stated that the petitioner had made several representations to the respondent Corporation after receiving the notice of superannuation but the representations are not decided. It is stated that the petitioner is relieved by the respondent on attaining the age of superannuation on 30.6.2015.

In the circumstances of the case, the relief sought by the petitioner cannot be granted in exercise of the writ

jurisdiction. It would be necessary for the petitioner to prove his date of birth by filing appropriate proceedings before the civil court. The petitioner has signed the service record of the petitioner wherein the year of the birth of the petitioner was clearly recorded as 1955. After the petitioner received the notice of termination, the petitioner has made the representation to the Corporation seeking a change in his date of birth. Several disputed questions of facts are involved in the writ petition. In the civil court the parties will be entitled to tender evidence, both oral and documentary. Moreover, the application for change of date of birth is made belatedly, at the fag end of the service, though the petitioner was signing the service book and the other relevant documents in which the date of birth of the petitioner was recorded as 1.7.1955, during the course of service.

In the circumstances of the case, we decline to entertain the writ petition. The writ petition is dismissed with no order as to costs. The points raised in the petition are, however, kept open.

JUDGE

JUDGE

Hirekhan