

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

WRIT PETITION NO. 4596 OF 2014

(Moreshwar s/o Kisan Shrawankar vs. WCL, Nagpur thr. its CMD & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 05, 2015.**

Heard Shri Thakur, learned counsel for the petitioner and Shri Mehadia, learned counsel for the respondents.

Shri Thakur, learned counsel for the petitioner states that the employer has filed some documents and hence rejoinder is necessary.

After hearing the learned counsel for the parties, we find that the dispute is about the correct date of birth. According to the respondents/ employer 01.07.1954 is the correct date of birth and the petitioner is superannuated accordingly. According to the petitioner 11.11.1956 is the correct date of birth and the petitioner still has about 28 months service left.

The question is how the correct date of birth can be ascertained in writ jurisdiction. The

petitioner has not given necessary details in the petition. The petitioner has already reached the age of superannuation and, therefore, is not in service as per his date of birth acted upon by the employer. The petition has been filed just few days prior to retirement.

As disputed questions arise and according to the respondents the challenge to recorded date of birth is also belated, we grant the petitioner leave to raise appropriate dispute according to law. If the dispute is raised, the concerned Assistant Commissioner of Labour (Central) shall try to reconcile in accordance with law within the stipulated period, after it is so raised. If the failure report is sent, appropriate Government shall forward the reference to the concerned C.G.I.T. within three months of its receipt.

With these directions and leaving all rival contentions open, the present writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

*G.S.