

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**MONDAY, THE NINETH DAY OF NOVEMBER TWO THOUSAND AND
FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.36567 of 2015

Between:

Durki Ramulu, S/o. Mallaiah,
Age 56 years, Occ: Trammer,
EC No.1450305, R/o. H.No.3-32,
Gokulnagar, Kamanpur Village & Mandal,
Karimnagar District.

.. Petitioner

AND

M/s. Singareni Collieries Company Limited,
At Kothagudem, Khammam District,
Rep. by its Chairman & Managing Director & 2 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.36567 of 2015

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ORDER:

With the consent of the learned counsel for the petitioner and Sri J. Srinivasa Rao, learned Standing Counsel representing M/s.Singareni Collieries Company Limited, the writ petition is disposed of at the admission stage.

2. The brief facts that are necessary for disposal of the writ petition are as under:

The petitioner joined the service in M/s.Singareni Collieries Company Limited in the month of March, 1983, and working as a Trammer. The petitioner is aggrieved by the notice issued to him on 21.02.2015 by the respondent company informing him that as he is attaining the age of 60 years on 20.02.2016, he will have to retire from service with effect from 28.02.2016.

3. Heard the learned counsel for the petitioner and Sri J. Srinivasa Rao, learned Standing Counsel for the respondents.

4. Learned counsel for the petitioner contends that at the time of entering into service, no declaration was sought from the petitioner nor documents were directed to be produced in support of the proof of age and he being an uneducated person, an attestation was obtained from him as if he has given a declaration and it appears that his date of birth was recorded in the service records as 20.02.1956. According to the learned counsel, the petitioner's date of birth was wrongly recorded and he is not liable to retire from service on 28.02.2016. Learned counsel further submits that in W.P.No.33343 of 2012 and batch disposed of by common order, dated 31.03.2015, this Court directed conducting of medical examination regarding the correct age of the similarly situated persons and take further course of action based on the determination of age as made by the medical officers and the opinion of the apex Medical Board. General directions are also issued to conduct such medical examination to all similarly situated persons. He, therefore, submits that petitioner ought to have been subjected to medical examination.

4. Learned Standing Counsel fairly submits that since the petitioner has some more service, the respondent company shall refer the petitioner to medical examination and shall take the opinion of the apex Medical Board regarding the correct age of the petitioner and depending on the report of Apex Medical Board, further course of action shall be taken.

5. Having regard to the said submissions, the Writ Petition is disposed of, directing the respondent company to refer the petitioner for medical examination by qualified doctors and for opinion of the apex Medical Board and based on the opinion of the apex Medical Board, further course of action regarding retirement of the petitioner shall be taken. This entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 9th November, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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