

THE HON'BLE SRI JUSTICE K.C. BHANU

AND

THE HON'BLE MRS JUSTICE ANIS

-

WRIT PETITION No.17339 OF 2015

-

ORDER: (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Petition, under Article 226 of the Constitution of India, is filed to call for the records relating to the order, dated 06.04.2015, in Original Application No.1803 of 2015 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad and quash the same.

2. Petitioner herein/applicant filed the aforesaid Original Application to declare the action of the respondents to retire him from service by fixing the date of superannuation as 30.06.2015 vide Notice Rc.F2-122896, dated 10.10.2014, issued by respondent No.3, as arbitrary and illegal and consequently, to direct the respondents to continue him in service by fixing the correct date of birth as 04.06.1956 on the basis of entry made in the Transfer Certificate by rectifying the clerical mistake crept in entering the date of birth in the Service Register. The Tribunal, upon considering the material on record, dismissed the Original Application.

3. Heard.

4. Learned counsel for the petitioner contended that by clerical mistake the date of birth of the petitioner was wrongly mentioned as 01.07.1955 in stead of 04.06.1956, it has to be corrected and therefore, he prays to set aside the impugned order.

5. On the other hand, learned Government Pleader for Municipal Administration appearing for respondent No.1 opposed the same on the ground that the petitioner has not taken any steps to get his date of birth corrected till today; that the present Original

Application was filed to correct his date of birth at the fag end of the service and therefore, he prays to dismiss the Writ Petition.

6. It is not in dispute before this Court that the date birth of the petitioner was noted in the Service Register as 01.07.1955. At the fag end of service, the petitioner cannot be permitted to ask to change the date of birth noted in the Service Register. There is a procedure contemplated for change of date of birth when it was wrongly noted in the Service Register. That procedure has not been followed by the petitioner. Therefore, the Tribunal after considering the material on record rightly dismissed the Original Application and that order needs no interference by this Court.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE K.C. BHANU

-

JUSTICE ANIS

JUNE 17, 2015

YVL

THE HON'BLE SRI JUSTICE K.C.BHANU
AND
THE HON'BLE MRS JUSTICE ANIS

-

-

-

-

-

WRIT PETITION No.17339 OF 2015

DATE: 17.06.2015

YVL