THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.20465 of 2015

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DATE: 10.07.2015

Between:

Peddapuram Narayana

…Petitioner

and

Bharat Dynamics Limited

…Respondents

COUNSEL FOR THE PETITIONER : SRI N.NARSIMHA RAO

COUNSEL FOR THE RESPONDENT : Ms. V.UMA DEVI

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

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ORDER:

This Writ Petition is filed for a mandamus to declare the action of the respondent in not considering the certificate issued by the Mandal Revenue Officer, Patancheru Mandal, Medak District, showing his date of birth as 20.12.1967 and in not continuing the petitioner till 31.12.2027 but seeking to retire him on 31.07.2015 as illegal and arbitrary.

I have heard Sri Nallapati Narsimha Rao, learned counsel for the petitioner.

The petitioner joined the respondent as Helper Grade Wage Group-II in the year 1990. Disciplinary proceedings were initiated against the petitioner and a charge sheet was issued to him on 09.11.2011 wherein it was alleged that at the time of joining service, the petitioner has submitted employment registration slip and 9th class pass certificate of Medak District Common Examination issued by the District Educational Officer, Medak in support of proof of his date of birth as 13.07.1955, that later, while submitting Attestation form, Record sheet and Nomination declaration forms under various schemes, the petitioner has mentioned his date of birth as 20.12.1967 and that on 16.06.2008, a letter was addressed to the petitioner to submit documentary proof in respect of his date of birth as 20.12.1967. That in reply to the said letter, the petitioner vide his letter dated 19.07.2008 has submitted his purported date of birth certificate issued by the Mandal Revenue Officer, Patancheru, Medak District dated 31.03.1994 wherein his date of birth was recorded as 20.12.1967 and he has further stated that the date of birth recorded in the 9th class pass certificate is incorrect. The petitioner was accordingly charged for acting in contravention of Clause 26(2)(8)(33)&(35) of the Certified Standing Orders of the respondent.

After considering the petitioner's explanation, penalty was imposed on him vide order bearing Ref:BDL/BG/ASSY/46780/ 2013, dated 12.09.2013. A perusal of the said order shows that while exonerating the petitioner of the charge of violation of Clause 26(2) (fraud, breach of trust or dishonesty in connection with the employer's business or property), he was found guilty of violation of Clause 26(8) (33)&(35) of the Certified Standing Orders of the respondent. The said sub-clauses read as under:

> (8) Breach of Standing Orders or any Company rules or any instructions laid down from time to time or any law applicable to the establishment;
>
> (33) Falsification or defacing of record………….;
>
> (34) Making false declaration regarding age, qualification … at the time of appointment or at any other time.

Based on the said findings, the Disciplinary Authority has imposed on the petitioner the penalty of reduction of basic pay by four increments with cumulative effect. It is not the pleaded case of the petitioner that the order of punishment has been questioned by availing appropriate remedy. Even in the present Writ Petition, the petitioner has not prayed for setting aside the said order of punishment. In the said order of punishment, which is staring at the face of the petitioner, it was categorically held that the petitioner has made a false declaration regarding his age based on a purported date of birth certificate issued by the Mandal Revenue Officer contradicting the educational certificate produced by him at the time of his joining employment. It therefore lies ill in the mouth of the petitioner to plead that he is entitled to be continued in employment till 31.12.2027 based on such a false certificate.

For the above-mentioned reasons, the Writ Petition is wholly without any merit and the same is accordingly dismissed.

As a sequel to dismissal of writ petition, WPMP.No.26363 of

2015 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

10th JULY, 2015.

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