

**IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD**

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.20496 of 2005

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Dated: November 6, 2006

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Between:

Majji Arjuna Rao, S/o. Pothuraju, aged 52 years,
Occ: Boiler Attendant, R/o. Chodavaram Co-
Operative Sugar Factory Quarters, Govada,
Chodavaram Mandal, Visakhapatnam District.

... Petitioner

And

The Chodavaram Co-operative Sugars Ltd., Govada,
Chodavaram Mandal, Visakhapatnam District,
represented by its Managing Director.

... Respondent

Order:

This Writ Petition has been filed seeking Certiorari to call for records of the respondent pertaining to the proceedings dated 30-06-2005 whereby the petitioner was informed that he would attain the age of superannuation by 31-07-2005.

2. The facts of the case in brief are:

Petitioner was appointed as Seasonal Mazdoor in the respondent-factory during 1973-74 and the date of birth of the petitioner, as mentioned by him in the biodata at the time of appointment, is

15-07-1947. Basing on the same, his date of birth was entered as 15-07-1947 in his service records, including P.F. Register. As per the age of superannuation applicable to employees of cooperative societies, namely, 58 years, petitioner was notified by the respondent by one month's notice that he would have to retire on 31-07-2005.

3. The case of the petitioner is that his correct date of birth is 10-02-1953, but not 15-07-1947 as stated by the respondent and in spite of submitting representation to the respondent in this regard, no steps have been taken to correct his date of birth enabling him to continue in service.

4. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondent.

5. The respondent has filed counter affidavit stating that the petitioner joined in service during 1973-74 claiming that his date of birth is 15-07-1947, which was carried out in all relevant records and basing on the same, he was allowed to retire on 31-07-2005, on attaining the age of 58 years. It is stated that petitioner had produced a certificate dated 25-09-1990 issued by the Chairman of the Board of Examiners and Director of Boilers, A.P., wherein his date of birth was recorded as

10-02-1953. It is further stated that the petitioner had made a representation on 02-07-2005 stating that in fact his date of birth is 15-07-1957, and requested to fix the age of superannuation basing on

that date. It is further stated that if the claim of the petitioner is taken to be true, he could not have secured employment in the factory in the year 1973, as he would have been only 16-years-old at that time.

6. It is to be seen that petitioner's date of birth was entered in the relevant records as 15-07-1947 basing on the bio-data submitted by him at the time of his appointment during 1973-74. Petitioner, having kept quiet for several years, had submitted representation to the respondent on 02-07-2005, i.e. at the fag end of his service, seeking correction of his date of birth. There is a catena of decisions of the Supreme Court to the effect that representations made by employees seeking correction of date of birth in the service records cannot be entertained at a belated stage. Moreover, notice was issued to him informing about his date of superannuation basing on date of birth stated by him in

bio-data submitted at the time of his appointment. As has been stated in the counter affidavit, even if it is assumed that his date of birth is 15-07-1957, he could not have secured employment in the factory in the year 1973, as he would have been only 16-years-old at that time. Though he was employed for all these years, he had never made any representation to the respondent seeking correction of his date of birth, except the one referred hereinabove, which was made at the fag end of his service. Hence, I do not find any valid ground to grant relief as sought for.

7. The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY.

November 6, 2006

MRR