

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3742 OF 2015
Ram Avadh Vasdeo Pandey Vs. Western Coalfields Ltd. Nagpur & Ors.

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

Court's or Judge's Order

Shri A. J. Bhoot, Adv for petitioner.
Shri P. Marpakwar Adv for respondents.

**CORAM: SMT. VASANTI A. NAIK &
A. S. CHANDURKAR JJ.**

DATED: 29 JANUARY, 2016.

By this writ petition the petitioner challenges the order of the respondent-Western Coalfields Limited, dated 23.09.2012 rejecting the representation made by the petitioner for correction of the date of birth of the petitioner as 01.07.1957, instead of 01.07.1955.

The petitioner was in the services of the respondent Western Coalfields Limited from 1982. According to the petitioner there was a mistake in recording the date of birth of the petitioner in the records of the Western Coalfields Limited. It is claimed that though the date of birth of the petitioner is 01.07.1957 the same is wrongly recorded as 01.07.1955. It is stated that the petitioner

became aware about the mistake in the recording of the date of birth of the petitioner in the year 2011 and therefore made a representation to the Western Coalfields Limited for the correction of the date of birth. The rejection of the representation by the Western Coalfields Limited is challenged in the instant petition.

It appears on hearing the learned counsel for the parties that there is a serious dispute in regard to the date of birth of the petitioner. Though the petitioner claims that his date of birth is 01.07.1957, it appears that in the service record it was mentioned as 01.07.1955. It is the case of the respondents that the petitioner had himself recorded his date of birth as 01.07.1955 in the mandatory Form PS-3 and PS-4 under the Coal Mines Pension Scheme, 1998. So also, in Form-B, furnished by the petitioner the date of birth of the petitioner was recorded as 01.07.1955. The petitioner did not take any steps for the correction of the date of birth in the service records within a reasonable time from joining the services and made an application for change in date of birth in the service record when he was on the verge of retirement. It would not be possible for this Court to interfere with the impugned order in exercise of the writ jurisdiction, specially when there is a serious dispute in regard to the date of birth of the petitioner. The

age row cannot be decided in exercise of the writ jurisdiction, specially when the respondent employer disputes the date of birth as claimed by the petitioner. If the petitioner is of the view that his date of birth was wrongly recorded, the petitioner can file appropriate proceedings in the Civil Court so that the disputed questions of facts could be decided.

In view of aforesaid, we dismiss the writ petition with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

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