

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

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 18196 OF 2001

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Between:

Wajid Ali Khan S/o late Inayat Ali Khan Ex-Charge Hand

....Petitioner

A n d

The Managing Director Singareni Collieries Company Limited and
three others

....Respondents

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HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 18196 OF 2001

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for respondents 1 to 3.

2. Petitioner joined services of Singareni Collieries Company Limited as General Mazdoor on 20.10.1962. At the time of joining the service, the date of birth of the petitioner was recorded as 24.10.1962. Alleging that his date of birth was wrongly entered, the petitioner made a representation for correction of date of birth. The request of the petitioner was rejected by order dated 12.10.1988. Aggrieved thereby, the petitioner filed W.P.No. 14507 of 1990. The prayer of the petitioner to refer his claim for determination of age to Apex Medical Board was rejected. However, it was observed that the petitioner may move any other authority for the redressal of his grievance. In the meanwhile, as per the date of birth entered in the service record the petitioner was retired from service with effect from 31.10.1990 on attaining the age of superannuation. Meanwhile, there was a Memorandum of Understanding (MOU) between the management and the Union of the employees to consider the claims for correction of date of birth by way of reference to the Medical Board. However, it was stipulated that only the claims which are pending as on 12.3.1990 were to be referred to Medical Board in terms of the said Memorandum of Understanding. After about 6 years of his retirement, the petitioner raised Industrial Dispute. The dispute raised by the petitioner was numbered as I.D.No. 169 of 1996 and the Industrial Tribunal cum Labour Court, Godavarikhani by award-dated 3.8.2000 dismissed the dispute.

Assailing the said award, this Writ Petition is filed.

3. The Industrial Tribunal –cum- Labour Court, Godavarikhani, rejected the claim of the petitioner on three grounds, (1) that by the time the dispute is raised, the petitioner ceased to be an employee of respondent-Company as the petitioner has already retired from service on 31.10.1990. It is held that since no relationship subsists between the petitioner and the employer after his retirement the industrial dispute is not maintainable; (2) the reliance placed on the transfer certificate by the petitioner to contend that wrong entry of the date of birth was made is not valid. On verification of the entries in the document the Tribunal found that admission number, name of the school, number of working days and identification marks of the student were kept blank. It is thus held that no credence can be given to such document; and (3) on the ground of delay also the tribunal held that the claim is not maintainable since the petitioner raised the industrial dispute six years after his retirement.

4. I do not see any error in the decision arrived at by the Industrial Tribunal-cum-Labour Court, Godavarikhani. The Tribunal has considered all the issues and arrived at correct conclusion. It is also appropriate to notice that the petitioner already suffered a decision from this Court in Writ Petition No. 14507 of 1990. Thus, there is no merit in the Writ Petition and accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

P. NAVEEN RAO, J

Date: 17.2.2016

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