

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 17239 of 2016

Order:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. The petitioner states that he joined the respondent-Company on 10.02.1986 as Floating Badli Filler as per the office order dated 08.08.1986. Later on, on 01.04.1989 he was promoted as Coal Filler and continued in Ramakrishnapuram VIII Incline Srirampur Area. Thereafter, he was promoted as General Mazdoor on 23.09.1989 and posted at Srirampur III and 3-A Incline. He also worked as Tunnel Mazdoor and he passed Mining Sardar examination conducted on 19.11.1996 and he was promoted as Mining Sardar on 31.12.1996. He is presently working as Senior Mining Sardar Grade-B under the fourth respondent.

3. He further states that he was born on 18.03.1966 in Mudimanikyam village, Husnabad Taluq, Karimnagar District and studied up to VII Class in Government Zilla Parishad High School at Indurthy, Husnabad Taluq. The school leaving certificate dated 06.03.1984 contains the said date of birth. Though he submitted the school leaving certificate at the time of initial appointment, his date of birth was not correctly recorded. He could not notice the same as he was asked to put his thumb impressions on some papers and he could not go through the papers. He appeared for SSC examination in March 1988 successfully. In the SSC certificate also his date of birth was mentioned as 18.03.1966. Thus, though, several records contained the correct date of birth as 18.03.1966, however, in view of wrong recording of his date of birth as 02.01.1960 his service is going to be affected by six years. He submitted several representations on 11.09.2013, 29.01.2014, 26.05.2014, 30.07.2014 and 06.08.2014 for correction of his date of birth, but the third respondent issued

proceedings on 13.08.2014 and 18.09.2014 informing that there is no variation in the service records regarding date of birth. He again submitted representations on 10.02.2015, 25.08.2015 and 04.01.2016 through the Union and brought to the notice of the respondents with regard to National Coal Wage Agreement-IV read with Joint Bipartite Agreement for Coal Industry and for determination of correct date of birth. Further, the circulars dated 01.08.1988, 23.12.2003 and 20.06.2005 provide for subjecting the employees for medical examination in case of disputed age and date of birth. He submits that in respect of identical matters this Court disposed of batch of writ petitions in WP No.33343 of 2012 and batch on 31.03.2015 by referring the cases of the petitioners therein to the Area Age Determination Committee and to the Apex Medical Board and he seeks similar direction.

4. The disposal of the batch of writ petitions on 31.03.2015 as aforesaid is not disputed by the learned Standing Counsel for the respondents.

5. In view of the dispute with regard to date of birth which is evidenced by various academic records, but not accepted by the respondents, this Court is inclined to dispose of the present Writ Petition in terms of the orders passed by this Court in WP No.33343 of 2012 and batch, dated 31.03.2015, by directing the respondents to subject the petitioner to medical examination on a specified date by giving at least seven (7) days prior notice. The petitioner shall be present before the Medical Officer and allow him to be subjected for medical examination. The copy of the findings of the Medical Officer shall be placed before the Apex Medical Board for its consideration and on the basis of the decision of the Apex Medical Board appropriate proceedings shall be passed by the respondents.

6. The Writ Petition is, accordingly, disposed of. However, in the

circumstances, no costs.

7. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 03.06.2016
Nsr

RAMALINGESWARA RAO, J