

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25975 of 2010

ORDER:

1. The petitioner filed the present writ petition claiming that he was born on 06.05.1957 and on the basis of the said date of birth he applied to the respondent company for employment during the year 1975. He appeared in the selection process by producing the transfer certificate issued by the Zilla Parishad High School evidencing the said date of birth. He was selected and joined the service at Khalyan Khani (K.K), Mandamarry area of Adilabad District. He was issued an identity card showing his date of birth as 06.05.1957. In the year 1980 he was transferred and posted at GKD-7 incline R.G.I Area, where he worked for nearly 12 years. In 1992, he was transferred and posted at GKD-7 incline R.G.II Area, where he worked for nearly 2 years. Thereafter, he was transferred in the year 1994 to GKD-8A incline R.G.II Area and was working as Trammer. While so, the Deputy General Manager of G.D.K.No.8A incline issued a letter dated 27.01.2010 stating that as per the company records and the initial medical examination reports, the petitioner would be completing 60 years on 21.10.2010 and he would be retiring from service on 31.10.2010. He submitted a representation on 05.02.2010 requesting the respondents to correct the age discrepancy as per the original entry made in the 'B' register as the letter dated 27.01.2010 was based on wrong entry. The case of the petitioner was referred to the Age Determination Committee and he appeared before the said committee on 19.07.2010 and produced all the documents. It appears that the Age Determination Committee determined the age of the petitioner as 25 years as on 21.10.1975 i.e., the date of joining of the petitioner into service. In view of the discrepancy in the date of birth and the consequential action of the respondents in superannuating him from service on 31.10.2010, the petitioner filed the present writ petition by seeking a direction to the respondent to continue him in service till 05.05.2017.

2. This Court, while admitting the writ petition on 25.10.2010, granted interim direction by observing that the entries, which were on the file for 35 years, were stuck off and the petitioner is sought to be retired and the proposed superannuation was contrary to the record.

3. By virtue of the interim order, the petitioner continued in service, was declared as medically unfit for his job and was terminated from the services of the company with effect from 04.07.2012. When the writ petition is taken up for consideration, it is not disputed by the learned Counsel appearing on either side that the petitioner was found medically unfit by the competent Medical Board and his services were terminated accordingly with effect from 04.07.2012. The petitioner is not in service as on today.

4. In the circumstances, the determination of age of superannuation is of no relevance and not necessary. The Writ Petition thus becomes infructuous.

5. The Writ Petition is accordingly dismissed as infructuous. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

07-04-2016
Gsn