

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1714 of 2016

Dated : 22.01.2016

Between:

Sk.Abdul Hameed, S/o.Abdul Moize,
Aged about 58 yrs, E.P.Operator,
E-Code 4016728,
PK-OC-(Sec-II), MNG,
Singareni Collieries Co., Ltd.,
Manuguru, Khammam, TS-507117.

.. Petitioner

And

The Singareni Collieries Company Limited,
Rep., by its General Manager (Personnel),
RC, IR&PM, Corporate,
Singareni Collieries Co., Ltd.,
Kothagudem (PO), Khammam-507101 (TS) & 2 others.

.. Respondents

This Court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1714 of 2016

ORDER :

The petitioner was initially recruited as worker trainee in the respondent-Company on 01.03.1978 and was appointed as General Mazdoor on 01.06.1978 and later promoted as E.P. Operator (Excavation Plant Operator) in which capacity he is presently working. The grievance of the petitioner is that though he was born on 11.06.1957 his date of birth was recorded as 08.02.1956. Recording of date of birth in the said manner is illegal. The petitioner has made several representations for rectification of the entry of date of birth. According to the petitioner, he has also responded to the circulars issued on 16.08.2012 and 04.09.2012. But no rectification was made nor was he referred to Medical Board for examination. The present writ petition is filed challenging the notice dated 08.04.2015 informing the petitioner that he would be attaining the age of superannuation of 60 years on 08.02.2016 and therefore to retire from service on 28.02.2016.

2. Learned counsel for the petitioner placed reliance on the decision of this Court in W.P.No.33343 of 2012 & batch dated 31.03.2015, concerning the respondent company and prays for direction to the respondent company to subject the petitioner for medical examination for determination of his date of birth.

3. Learned Standing counsel agrees for disposal of the writ petition subjecting the petitioner for medical examination by following the principles laid down by this Court in the above batch of writ petitions.

4. Accordingly, the Writ Petition is disposed of, without expressing any opinion on merits, directing the respondent company to subject the petitioner for medical examination in accordance with the directions issued by this Court in W.P.No.33343 of 2012 and batch, dated 31.03.2015, and take appropriate further course of action regarding the date of birth entered in the service record and the date of retirement of the petitioner. The exercise of subjecting the petitioner to medical examination and the consequential decision shall be taken within a period of four (4) weeks from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

22nd January, 2016.
Rds

P.NAVEEN RAO,J