

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition No. 6271 of 2005**

Ram Prakash Verma, son of Late Ram Sevak Verma, aged about 53 years, Driver-cum-Mechanic, B. Seam Colliery, West Jharkhand Colliery, Hasdeo Area, District Koriya (C.G.)

---- **Petitioner****Versus**

1. South Eastern Coalfields Ltd., through the Chairman cum Managing Director, Seepat Road, Bilaspur (C.G.)
2. The Dy. Chief Personnel Manager, South Eastern Coalfields Ltd., West Jharkhand Colliery, Hasdeo Area, District Koriya (C.G.)
3. The Manager, B. Seam Colliery, West Jharkhand Colliery, Hasdeo Area, District Koriya (C.G.)

---- **Respondents**

For petitioner : Ms. Sharmila Singhai, Advocate.
For Respondents : Mr. Vinod Deshmukh, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/07/2017**

(1) The petitioner was appointed on the post of Loader in the establishment of the respondents-South Eastern Coalfields Ltd. (henceforth "SECL") on 8th January, 1977. His date of birth was recorded as 1st July, 1941. Pursuant the dispute raised by the petitioner regarding his date of birth, the matter was referred to the Age Determination Committee in accordance with Implementation Instruction No. 76 of the National Coal Wage Agreement-III; and ultimately the Age Determination Committee, by its report dated 5th September, 1988 held that the petitioner's correct date of birth is 1st July, 1946. The respondents - SECL vide its letter dated 16th/23rd October, 1988

informed the petitioner about his correct date of birth i.e. 1st July, 1946 determined by Age Determination Committee and it was duly recorded in his service record. The petitioner did not challenge the finding of Age Determination Committee accepted it.

(2) Being aggrieved and dissatisfied with the findings of the Age Determination Committee about his date of birth, the petitioner made representation for correction of his date of birth the respondents-SECL, which was rejected by the respondents-SECL by order dated 27th/28th September, 2002, against which instant writ petition has been filed questioning the same.

(3) Learned counsel for the petitioner would submit that on the basis of mark-sheet of 8th class, petitioner's correct date of birth is 1st July, 1952 and, therefore, his date of birth ought to have been corrected in his service record according to her date of birth mentioned in the mark-sheet of class 8th.

(4) Per contra, counsel for the respondents-SECL would submit that the Age Determination Committee has submitted its report date 5th September, 1988 and held that petitioner's correct date of birth is 1st July, 1946, and the petitioner did not challenge the same before any of the competent authority. He submits that when he came to know by the respondents-SECL about his correct date of birth i.e. 1st July, 1946 determined by the Age Determination Committee, he preferred representation before the respondents-SECL, which has been rejected by the respondents-SECL, against which instant writ petition has been filed with an inordinate delay and, therefore, the petitioner is not entitled for any relief by way of instant writ petition.

(5) I have heard learned counsel appearing for the parties and perused the record with utmost circumspection.

(6) It is true that Age Determination Committee is the appropriate authority to determine the age of the petitioner-employee under the Implementation Instruction No. 76 of the National Coal Wage Agreement-III and the said Committee has determined the correct date of birth of the petitioner is 1st July, 1946, which has not been challenged by the petitioner by filing writ petition or even in this writ petition; and the representation has been rejected in light of the report of Age Determination Committee.

(7) Since the Age Determination Committee has already determined the correct date of birth of the petitioner in accordance with procedure laid down under the Implementation Instruction No. 76 of the National Coal Wage Agreement-III, which the petitioner has not challenged till this date before any of the competent court and subsequent representation, if any, is of no use to the petitioner. Even otherwise, it is true that this writ petition has been filed only challenging the rejection of the representation, which is based on the report of Age Determination Committee, this Court is of the considered opinion, the petitioner is not entitled for any relief in the instant writ petition.

(8) Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

