

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE Dr. JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.12434 of 2012

ORDER : (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Sri Prakash Chakravarthy, learned counsel for the petitioner, has addressed a letter dated 14.07.2017 to the Registry stating that the petitioner filed the present writ petition being W.P.No.12434 of 2012 challenging the impugned order dated 16.04.2012 in O.A.No.1014 of 2011 passed by the Central Administrative Tribunal, Hyderabad (for brevity "the Tribunal"), that while pending disposal of the writ petition, the petitioner observed that the said writ petition is deficit of proper facts as per the material evidence on record. The counsel for the petitioner, who framed the writ petition and the O.A., has mislead the complete contents and actual facts of the case and circumstances, wherein the petitioner in due course of time, adduced the material documents, in his support, which establishes his genuine query and would bring the factual position of his grievance in a proper manner, in order to pass fair and just orders. Hence, the petitioner seeks permission of this Court not to press the present writ petition so as to file a fresh writ petition with better particulars.

2. We note, the issue raised by the petitioner before the Tribunal as well as this Court is that he was appointed in the service of respondent authorities on 19.03.1974 and at the time of recruitment, his date of birth was recorded as 09.03.1952 in the absence of any proof, as certified by the Doctor approximately. Subsequently, the respondent authorities have directed the petitioner to submit his Date of Birth Certificate or any other proof or record as to his correct date of birth. Pursuant thereto, the petitioner had submitted Transfer Certificate of the year 1974 issued by the Zilla Parishad High School, Raghunadhapalli, Warangal District, as per which his correct date of birth is 10.03.1955. Accordingly, the petitioner prays that his date of birth be recorded as 10.03.1955, instead of 09.03.1952 as was recorded at the time of his recruitment.

3. We note that the petitioner filed O.A.No.1014 of 2011 before the Tribunal in the year 2011, whereas he was appointed in the service of the respondent authorities on 19.03.1974.

4. Moreover, as per the cause title mentioned in O.A.No.1014 of 2011, the petitioner was aged about 55 years and presently he is more than 61 years old and retired from service, as admitted by the learned counsel for petitioner.

5. In view of the above, considering the request made by the learned counsel for petitioner in the aforesaid letter dated 14.07.2017, the petitioner is accorded permission to withdraw the present writ petition, since the issue raised in the writ petition does not survive for adjudication. However, liberty sought for by the petitioner is hereby rejected.

6. Accordingly, while refusing to grant the liberty sought for, this writ petition is dismissed as withdrawn. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE SURESH KUMAR KAIT

Dr. JUSTICE SHAMEEM AKTHER

21.07.2017.
Msr

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