

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27132 of 2017

ORDER:

This writ petition is filed challenging the order in proceedings No.P2/693(1)/17-GWK, dated 30-06-2017, wherein the petitioner was retired from service on 30-06-2017 on attaining the age of 58 years in accordance with Regulation (6) (1)(a) of A.P.S.R.T.C. Employees Service Regulations, 1964 (Regulation).

Learned counsel for the petitioner submits that date of birth of petitioner is entered as 04-01-1960 in Service Register, when he entered in service in 1988. But without any notice, the respondents tried to alter the date of birth and issued impugned order of superannuation. He also submits that the Depot Manager has no power to issue the same under Regulation 19(3), it is the Managing Director, who is the competent authority. He also submits that in all the pay slips of the petitioner, the date of birth mentioned as 04-01-1960, without taking that into account, the impugned order has been passed. He also relied on the judgments of Supreme Court in **Sarjoo Prasad v. General Manager**¹ and **Hari Singh v. State of Bihar**².

Heard Sri S.V.Ramana, learned Standing Counsel for A.P.S.R.T.C., who, on instructions, submits that the date of birth of petitioner is entered as 04-01-1960 in Service

¹ (1981) 3 Supreme Court Cases 544

² (2000) 10 Supreme Court Cases 244

Register. But at the time of appointment, the petitioner has given declaration as to date of birth is otherwise. As such, they sought to revise the same.

Admittedly, no notice was issued to the petitioner before passing the impugned order. In view of the law laid down by Apex Court in the judgments cited supra relied on by the learned counsel for the petitioner that the date of birth entered in Service Register could not have been altered by the respondents without giving opportunity to the employee and the impugned order is liable to be set aside on that sole ground and the same is also without jurisdiction.

In view of the same, the impugned order is set aside and it is open for the competent authority to issue notice to the petitioner and take action accordingly. It goes without saying that once the impugned order is set aside, the respondents are obligated to reinstate the petitioner till further action is taken.

Accordingly, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

24-08-2017
Nvl



