

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[ *Special Original Jurisdiction* ]

THURSDAY THE FOURTEENTH DAY OF DECEMBER  
TWO THOUSAND AND SEVENTEEN

PRESENT  
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 23086 OF 2003

Between:

L. Ram Narayana ... Petitioner

V/s.

The General Manager,  
The Singareni Collieries Company Limited,  
Sirampur Area,  
Adilabad district & Ors. .... Respondents



Counsel for the Petitioner : Sri D. Linga Rao

Counsel for the Respondents : Sri J. Sreenivasa Rao  
SC for Singareni Collieries Co.Ltd.

The court made the following: : [order follows]

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 23086 OF 2003

ORDER :

This writ petition is filed seeking a writ of Certiorari calling for the records and connected with the impugned letter Ref.No. SRP/MED/E/007/279, dated 25/02/2003, issued by the Medical Superintendent [Admn], The Singareni Collieries Company Limited, Srirampur Division, Adilabad district and its connected letter No. SRP/PER/13/AGE/4727, dated 29/30/09/2003 issued by the General Manager, the Singareni Collieries Company Limited, Srirampur Area, Adilabad district and quash or set aside the same. Consequential direction is sought to continue the petitioner in service till he attains the age of superannuation of 60 years as on 30/06/2007.

2. Heard Sri D. Linga Rao, learned counsel for the petitioner and Sri J.Sreenivasa Rao, learned Standing Counsel for the respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was initially appointed as Casual Labour in the respondent-organization on 20/08/1976 and later on he was appointed as a 'driver' on 16/08/1978 based upon the licence said to have been obtained by him wayback in the year 1972. In the driving licence the date of birth of the petitioner was recorded as 01/07/1947 and the identity card issued by the respondents also discloses his date of birth as 01/07/1947 but the respondents had issued Proceedings Ref.No. SRP/MED/E/007/279 on 25/02/2003 informing the petitioner that he would be retiring from service on attaining the age of superannuation of 60 years as on 30/04/2004. The petitioner contends that his actual date of birth is 01/07/1947 and as per his date of birth, he is entitled for continuation upto 30/06/2007. When the respondents were retiring him based upon incorrect date of birth, he has filed the present writ petition. It has been further contended by the counsel for the petitioner that this Court at the time of admission has granted interim direction in WPMP.No. 28963 of 2003 dated 03/11/2003, directing the respondents

to continue the petitioner in service till he attains the age of superannuation as per his correct date of birth.

4. The respondents had filed vacate stay application, vide W.V.MP.No.400 of 2004 and on 03/08/2004 this Court had dismissed the vacate stay application and made the interim direction absolute. The respondents had filed W.A.No. 358 of 2005 challenging the orders of dismissing the vacate stay application and the Division Bench of this Court dismissed W.A.No. 358 of 2005 on 13/06/2005 and by virtue of interlocutory orders, the petitioner was allowed to continue upto 30/06/2007 and the petitioner had retired from service on 30/06/2007. It has been further contended by the learned counsel for the petitioner that the respondents had paid only terminal benefits till 30/04/2004 and further period for which the petitioner was continued by the orders of this Court the respondents had not paid any benefits, and prays this Court to allow the writ petition.

5. The learned Standing Counsel for the respondents contended that at the time of his initial appointment, his case was referred to a

Medical Board and the Medical Board has assessed his date of birth and the Service Register was opened in 1979 and in that Service Register, the date of birth of the petitioner was recorded as 01/03/1944 and based upon such entry the respondents had issued notice of retirement to the petitioner on 25/02/2003 and the same was done as per rules, therefore, no illegality can be pointed out in retiring the petitioner w.e.f., 30/04/2004. The respondents further contended that the writ petition shall be dismissed and the respondents had already paid the terminal benefits upto 30/04/2003 based upon the correct date of birth entered in the Service Register and nobody cannot be allowed to alter the date of birth at the fagend of service.

6. Having considered the rival submissions, I am of the considered view that the petitioner was initially appointed as Casual Labour on 20/08/1976 and the learned standing counsel for the respondents himself admits that he has produced the record where the date of birth of the petitioner was recorded as 01/07/1947 and the petitioner also obtained driving licence wayback in the year 1972 and in

the said driving licence the date of birth is recorded as 01/07/1947.

Based upon the driving licence only the respondents had appointed the petitioner as 'driver' in 1978, which goes to show that even prior to appointment of the petitioner, there is documentary evidence to show the correct date of birth of the petitioner as 01/07/1947. The respondents had opened Service Register in 1999 after the petitioner rendered considerable length of service and the Service Register entry was entered subsequently after nearly about 25 years of service and that cannot be the basis for altering the date of birth of the petitioner from 01/07/1944 to 01/07/1944 and the writ petitioner was rightly allowed to continue upto 30/06/2007 and the issue remains is whether the terminal benefits from 01/7/2004 to 30/06/2007 are to be extended to the petitioner. In my considered opinion, the petitioner is entitled for all consequential benefits by taking into consideration the fact that the petitioner was allowed to continue in service upto 30/06/2007 and the petitioner is entitled for terminal benefits till he retired on 30/6/2007

7. The writ petition is allowed, however, without costs.

8. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

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JUSTICE ABHINAND KUMAR SHAVILI.



14/12/2017  
I s L

HONOURABLE JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION NO. 23086 OF 2003

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