

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.27795 of 2017

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the inaction of the respondents in not disposing of the petitioner's representations, dated 04.08.1998, 06.09.2012, 10.01.2014, 02.05.2017 and 24.05.2017 for correction of date of birth of the petitioner as 30.04.1970 as per SSC certificate, as illegal, arbitrary, unjust, violation of Circular, dated 11.07.1994, in Ref.No.P.34/4184/IR/1376, notice, dated 29.08.2012, and Articles 14 & 21 of the Constitution of India and consequentially direct the respondents to correct the date of birth of the petitioner as 30.04.1970 from 17.09.1958 in the Service Register of the petitioner in the respondents company.

2. Heard Sri Srinivasa Murthy Cheedella, learned counsel for the petitioner and Sri J. Sreenivasa Rao, learned Standing Counsel for the respondents and perused the material available on record.

3. The case of the petitioner is that the petitioner was initially appointed as Badli Filler on piece rate wages as per the office order, dated 01.10.1987, in P.No.I/58/2977, issued by the General Manager, Singareni Collieries Company Ltd., Ramagundam Area-I and that the petitioner has submitted his SSC certificate in which his date of birth is mentioned as 30.04.1970 and that the petitioner has also passed the examination and was issued Shot-Firer's Certificate under Coal Mines Regulations, 1957, by the Secretary to the Board of

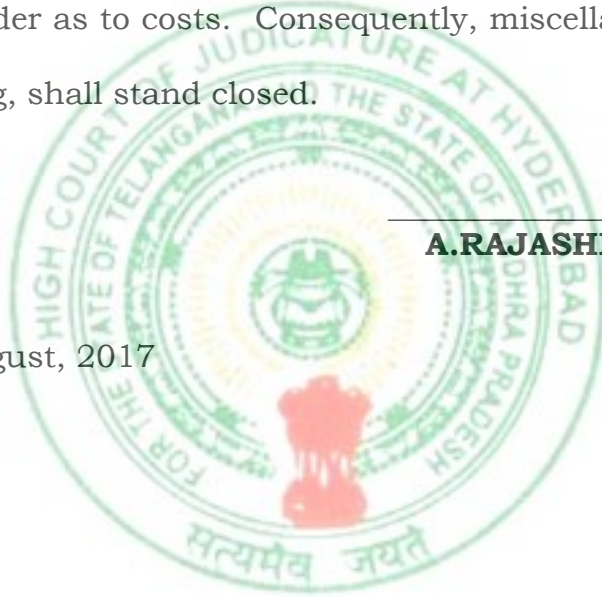
Mining Examination and in the said certificate, the petitioner's date of birth is recorded as 30.04.1970, but in the office records of the respondents, the petitioner's date of birth is wrongly mentioned as 17.09.1958. It is further case of the petitioner that the respondents have issued a circular, dated 11.07.1994, in P.34/4184/IR/1376 for implementation of guidelines of JBCCI on determination/verification of age of the employees. In pursuance of the same, the petitioner made representations, dated 06.09.201, 10.01.2014 & 02.05.2017 to the respondent authorities for rectification of the date of birth in the office records by enclosing relevant certificates. Again the respondents have issued notice, dated 29.08.2012, to all the employees directing that if any rectifications or amendments are to be made, they are hereby informed to submit their requisitions for rectifications with relevant authentic certificates on or before 15.09.2012 and on such submission of their applications, necessary action will be taken on their representations. It is further submitted that the petitioner made representations, dated 06.09.2012 and 10.01.2014, to the respondent authorities for rectification of the date of birth of the petitioner in the office records. Since no action was taken by the respondent authorities on the said representations, the petitioner got issued a legal notice, dated 02.05.2017, to the respondent authorities to consider his case to rectify the date of birth by mentioning it as 30.04.1970 in the service register of the respondent company. The main grievance of the petitioner is that though the respondent authorities have received the said legal notice, but so far, they have not taken any action on the same and they are not considering the case of the petitioner. Aggrieved by the inaction of the respondents, the present writ petition is filed.

4. Taking into consideration the facts and circumstances of the case and the grievance of the petitioner, without expressing any opinion on the merits of the case, the Writ Petition is disposed of directing the competent authority to consider the representations, dated 06.09.2012, 10.01.2014 and 02.05.2017, said to have been submitted by the petitioner to the respondent authorities, in pursuance of the circular in Ref.No.P.34/4184/IR/1376, dated 11.07.1994, and pass appropriate orders, as expeditiously as possible, in accordance with law, more preferably within a period of six (6) weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

A.RAJASHEKER REDDY, J

Date: 22nd August, 2017

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