

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.05.2018

CORAM

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WP.No.11753 of 2018 and W.M.P.No.13726 of 2018

D.Asaimani

.. Petitioner

Versus

1. The Chief General Manager,
Mines-II,
NLC India Ltd.
Neyveli - 607 807.

2. The Chief General Manager/HR/IR
Mines-II, NLC India Ltd.
Neyveli - 607 807.

3. The Managing Director,
NLC INDCO SERVE,
The Neyveli Lignite Corporation Industrial
Co-op.Serving Society Ltd.
NLC India Ltd.
Neyveli - 607 807.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondents to enter the petitioner's correct date of birth as 01.07.1965 instead of 01.07.1960, based on the petitioner's representations dated 28.03.2014 and 18.01.2018 and the connected records submitted by him along with the representations, within a time frame fixed by this Hon'ble Court and further, to permit the petitioner to be in service till he attains the age of superannuation as per the extant Service Rules of NLC.

For Petitioner : M/s.S.Sathiachandran

ORDER

The petitioner herein, who is the Bottom Bench in Mines-II and unskilled labour in working N.L.C. is now facing a peculiar problem about his date of superannuation, in view of different dates of birth found in different documents furnished him at different point of time. It appears that he has given a representation as early as 28.03.2014 to the 3rd respondent along with certain enclosures to fix his date of birth as 01.07.1965.

Later, on 18.01.2018, he had given another representation with enclosures with a similar request. It is contended by the learned counsel for the petitioner that till date, his representation has not been disposed of, however, the management is contemplating to superannuate him on attaining the age of 58 years by fixing his date of birth as 01.07.1960.

2. A perusal of the documents enclosed by the petitioner indicates that till 2014, the pay slips of the petitioner indicates his date of birth as 01.01.1965. Later, in the identity card issued by the N.L.C. INDCOSERVE, his date of birth is mentioned as 01.07.1960. However, the third document, which shows different date of birth, is the medical identity book issued by N.L.C to the father of the petitioner herein, who was also happened to be an employee under the N.L.C.

3. Since, the petitioner had given different dates of his birth at different point of time, the respondent herein is hereby directed to give an opportunity to the petitioner before superannuating him, taking into account 01.07.1960 as his date of birth. Based on the records, submitted by petitioner, the respondent is at liberty to take a decision. In any event, it is expected that the respondents shall dispose of the representation of the petitioner after affording due opportunity to him on or before 21.06.2018.

4. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Deputy Registrar/V.O

True Copy

Sub-Assistant Registrar

kak/sk

To

1.The Chief General Manager,
Mines-II,
NLC India Ltd.
Neyveli - 607 807.

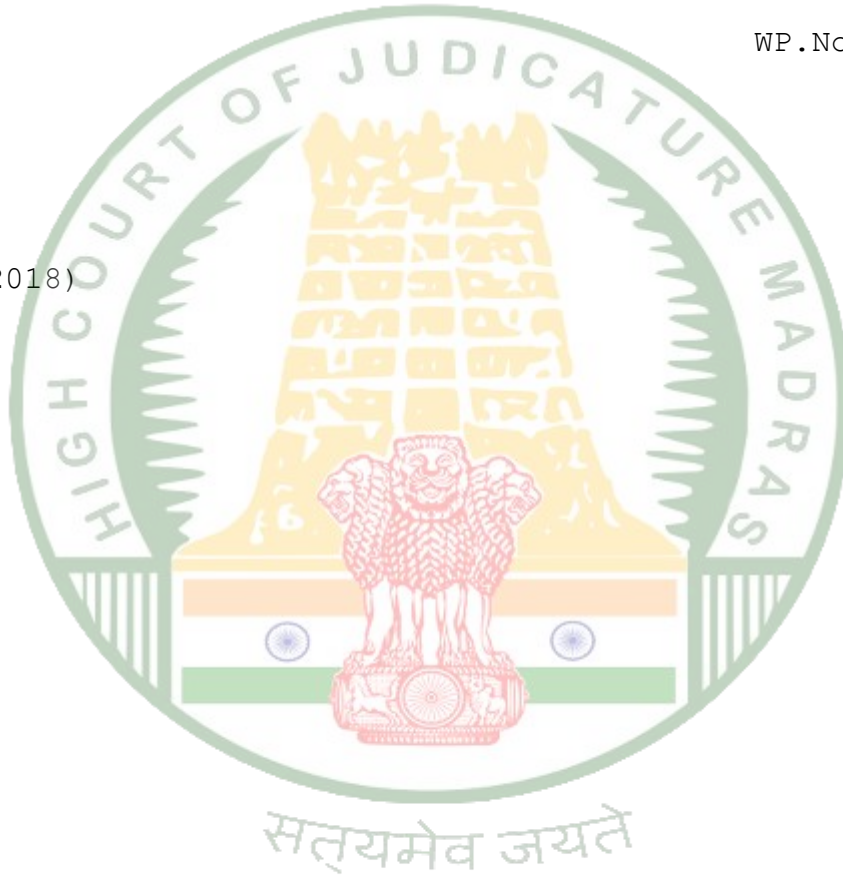
2.The Chief General Manager/HR/IR
Mines-II, NLC India Ltd.
Neyveli - 607 807.

3.The Managing Director,
NLC INDCO SERVE,
The Neyveli Lignite Corporation Industrial
Co-op.Serving Society Ltd.
NLC India Ltd.
Neyveli - 607 807.

+1 CC to Mr.S. Sathiachandran, Advocate sr 32984.

WP.No.11753/2018

MP (CO)
SP (09/05/2018)



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