

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1816 OF 2002

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the retirement order issued by the 3rd respondent vide proceedings dated 30-11-2001, as arbitrary, illegal and consequently to continue the petitioner in service till he attains the age of superannuation.

Heard Sri A.K.Jayaprakash Rao, learned counsel appearing for the petitioner and Sri J.Srinivasa Rao, learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that he was appointed as Trainee Worker on 12.01.1978 in the respondent-Company and he was aged about 15 ½ years at that time. It is his further case that he was promoted as Coal Filler in the year 1979 and further promoted as Gang Mazdoor, and Valve Operator on 01.04.1998. His probation was also declared and his services were regularized. Thereafter, he was promoted as Pump Operator Category-II on 19.02.1991 and further promoted as Pump Operator Category-IV on 06.07.1996. It is his further case that the respondent-Company issued retirement notice on 30.11.2001 stating that he will be retiring from service on attaining the age of superannuation on 31.01.2002. Hence, the

petitioner submitted a representation on 07.06.2001 to the respondent-Company stating that his actual date of birth is 12.07.1952, but the respondent-Company has recorded his date of birth as 12.01.1942 and requested to refer him to Medical Board. But, the respondent-Company has not considered his request and issued the impugned notice treating his date of birth as 12.01.1942.

The grievance of the petitioner is that the respondent-Company ought to have issued retirement notice prior to one year, but it has issued three month's notice and that the respondent-Company may be directed to continue him in service by treating his date of birth as 12.07.1952.

Learned Standing Counsel appearing for the respondent-Company submits that the respondents have issued the retirement notice on 14.05.2001 i.e, one year prior to his retirement and subsequently, issued another notice on 30.11.2001, but the petitioner has suppressed about the notice issued to him on 14.05.2001 and has filed the present writ petition.

Having considered the submissions made by the learned counsel on either side, this Court is of the considered view that the respondents have followed the procedure in retiring the petitioner by issuing one year retirement notice on

14.05.2001. Hence, the contention of the petitioner that the respondent-Corporation issued only three month's notice is totally incorrect. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

*20th August, 2018-
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