

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21394 of 2002

ORDER:

This writ petition is filed seeking *Certiorari* calling for records in unregistered ID of 2002 in CF No. 179 of 2002 on the file of respondent No.1 and quash the same as illegal and arbitrary.

2. The petitioner herein was the workman in respondent No.2-company. Initially, he was appointed as a Diesel Engine Driver in respondent No.2-company on 01.04.1971 and served the company for a period of nearly 31 years. His grievance is that his date of birth was erroneously recorded as 01.04.1944, but his actual date of birth was 27.02.1950. He came to know the said fact when he was served with superannuation notice on 12.03.2002 by the respondents-company that he would retire from service by 31.3.2002. The petitioner submitted his representation to respondent No.2 duly enclosing the date of birth certificate issued by the Executive Magistrate, MRO, Dharmavaram dated 20.03.2002. But the petitioner was compelled to retire from service by 31.3.2002. Challenging the same, the petitioner filed unregistered ID before respondent No.1, wherein the Presiding Officer, by impugned Order dated 16.04.2002 dismissed the petition as not maintainable on the ground that the plea of the petitioner will not fall within the ambit of Section 2-A(2) of the Industrial Disputes Act, since he retired from service according to the date of birth entered in his service register.

3. Heard Smt. K.Udayasri, learned counsel appearing for petitioner and the learned Government Pleader for Labour.

4. It is the contention of the learned counsel for the petitioner that petitioner's date of birth was wrongly entered in his service register maintained by respondent No.1 and considering the certificate issued by the MRO, Dharmavaram, respondent No.1 ought to have continued the petitioner in service

5. Perused the material on record.

6. On perusal of the impugned order, it is seen that admittedly, the petitioner, during his service, did not make any attempt to verify his service record and that he has no evidence to show that his date of birth is as is contended by him, except the certificate issued by the MRO after the retirement of the petitioner, which is not valid.

7. Having heard the contentions raised by learned counsel for the petitioner, this court is of the considered view that respondent No.1 has rightly rejected the case of the petitioner and there are no merits in the writ petition.

8. Accordingly, the writ petition is dismissed. No costs.

9. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

5th September, 2018
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ABHINAND KUMAR SHAVILI, J

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