

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26374 OF 2010

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in issuing notice dated 3.3.2010 informing the date of retirement of the petitioner as 31.3.2011 instead of 31.3.2017 as illegal and arbitrary.

2. Heard Sri G. Praveen Kumar, learned Counsel for the petitioner and Sri N. Krishna Rao, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed as casual worker in the respondent-company on 21.3.1977 and at that time his age was determined as 20 years and the respondents continued the petitioner in service. However, instead of retaining the petitioner till attaining the age of superannuation on 31.3.2017, the respondents issued the impugned notice informing the date of his retirement as 31.3.2011. The grievance of the petitioner is that in the identity card issued to the petitioner, his age was mentioned as 20 years, which would mean that the actual date of birth of the petitioner is 21.3.1957, and without giving any opportunity to

the petitioner, the respondents were trying to give retirement to the petitioner with effect from 31.3.2011.

4. The learned Counsel for the petitioner submitted that this Court issued interim direction to continue the petitioner in service, and by virtue of the interlocutory order, the petitioner was allowed to continue in service till 31.3.2017, and the only issue is in respect of payment of terminal benefits by duly taking into account the date of retirement of the petitioner as 31.3.2017, but the respondents are not settling the terminal benefits of the petitioner.

5. The learned Standing Counsel for the respondents contended that the respondents have issued retirement notice rightly and as per B Register of the respondents, the age of the petitioner was 26 years at the time of initial appointment, which would mean that the date of birth of the petitioner in the year 1977 was 26 years and accordingly, the respondents initiated steps to retire the petitioner at the age of 60 years by 31.3.2011, and that no illegality has been committed by the respondents in issuing the impugned notice and that there are no merits in this writ petition.

6. Having considered the rival submissions made by the parties, this Court is of the view that as per B register maintained by the respondents, the age of the petitioner was 26

years as on the date of his initial appointment and there was no alteration in the said register, which would mean that the respondents have rightly initiated steps to retire the petitioner with effect from 31.3.2011 and there are no grounds to continue the petitioner beyond 31.3.2011. However, the service rendered by the petitioner after 31.3.2011 should be treated as just service that too in compliance with the interlocutory orders passed by this Court. The respondents are directed to settle the retirement benefits of the petitioner till he had attained the age of superannuation by treating the date of superannuation as 31.3.2011, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 19.11.2018.
Nn.

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19/11/2018

Nn.