

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.13798 of 2016

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

2. This Writ Petition is filed assailing the action of the respondents altering the date of birth of the petitioner as 08-12-1962 in the Service Register of the petitioner and to declare that the petitioner's date of birth is 08-12-1966.

3. Petitioner admittedly joined the service of the respondents-Corporation as a Sweeper on 06-11-1985 and at that point of time, gave the date of birth as 21-08-1955. According to the petitioner, his service record was altered subsequently by the respondents without his knowledge as 08-12-1962. Petitioner further contends that the as per Ex.P-1, Transfer Certificate, issued by the Zilla Parishad High School, Odelu, Karimnagar District, his date of birth is 08-12-1966.

4. This Court on 05-07-2016 in W.P.M.P.No.17229 of 2016 in W.P.No.13798 of 2016 granted an interim order directing that the petitioner be not retired on the basis of date of birth 08-12-1962. It relied on letter dt.20-04-1987 produced by the petitioner along with the affidavit filed in support of the Writ Petition wherein his date of birth was recorded as 08-12-1966.

5. W.V.M.P.No.3742 of 2017 (I.A.No.1 of 2017) is filed to vacate the said order.

6. Sri G.Vidyasagar, learned Senior Counsel, appearing for the respondents, states that the proceeding dt.20-04-1987 produced by the petitioner is fabricated one and that the original, available in the records of the respondents, shows that the date of birth of the petitioner was mentioned by the then Regional Manager in his proceedings dt.20-04-1987 as only 08-12-1962 and not as 08-12-1966. He has also produced a letter addressed by the petitioner on 02-01-1986 to the Deputy Chief Personnel Manager of the Corporation stating that his date of birth is 08-12-1962 enclosing original date of birth Certificate issued by the Head Master of the Upper Primary School, Odelu, where the petitioner had studied.

7. Learned counsel for the petitioner does not dispute this letter dt.02-01-1986 addressed by the petitioner to the Deputy Chief Personnel Manager of the Corporation.

8. Obviously on the basis of this letter, the date of birth which was originally recorded as 21-08-1955 in the service record of the petitioner was changed as 08-12-1962. Therefore, petitioner cannot contend that without his knowledge his date of birth was changed to 08-12-1962 by the respondents.

9. As regards the contention of the learned counsel for the petitioner that his date of birth is 08-12-1966, the said claim of the

petitioner has been made only now, more than 30 years after he joined the employment of the respondents.

10. I am therefore not inclined to rely on the Transfer Certificate now produced by the petitioner from the Zilla Parishad High School since it contradicts petitioner's plea that the petitioner studied only up to Primary School in his letter dt.02-1-1986 referred to above wherein it is recorded that the petitioner studied up to 7th class. I therefore do not see any merit in the Writ Petition. It is accordingly dismissed. No costs.

11. Interim order granted earlier shall stand vacated. Consequently W.V.M.P.No.3742 of 2017 (I.A.No.1 of 2017) is allowed. No costs.

12. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 20-11-2018

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