

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.37518 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“.. to call for the records from the respondent herein and issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned Notice No.A3/A1/R&B/MLG/2018-19 dt.6.9.2018 in so far as petitioners is concerned retiring prematurely w.e.f.20.10.2018 based on imaginary date of birth as 01.07.1956, 01.07.1957 and 01.07.1955 respectively without following any reasonable procedure to ascertain correct date of birth through medical examination or any other appropriate procedure since the petitioners are being uneducated is arbitrary, illegal, unjust, contrary to law, unfair labour practice, in violation of principle of natural justice, without notice and violation of Article 14 and 21 of Constitution of India consequently set aside the impugned notice dt.6.9.2018 continue the petitioners in service as NMR Gang Mazdoor till petitioners attains age of retirement and pass such order or orders as this Hon'ble court may deem fit and proper in the interest of justice.”

Heard Sri P.Sidhar Rao, learned counsel for the petitioners and the learned Government Pleader for Services III.

With the consent of both the parties, the writ petition is disposed of at the admission stage.

It has been contended by the petitioners that the respondents are taking steps to retire them on 20.10.2018 based on imaginary date of births vide impugned Notice

No.A3/A1/R&B/MLG/2018-19 dated 6.9.2018, which was served on them on 10.10.2018. It has been further contended by the petitioners that no notice was given to them to put forth their case and the decision taken by the respondents to retire them on 20.10.2018 is unilateral decision and the same is violative of principles of natural justice.

Considering the submissions made by the parties, this Court is of the opinion that the respondents may be directed to continue the petitioners in service and send the petitioners to Osmania General Hospital for medical examination to assess their age.

Accordingly, the Writ Petition is disposed of directing the respondents to continue the petitioners in service and send the petitioners to Osmania General Hospital for medical examination to assess their age and based upon the opinion of the medical board, the respondents are further directed to take a proper decision. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The petitioners would bear the medical expenses. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

---

ABHINAND KUMAR SHAVILI, J

Date: 11/10/2018  
lkv

