

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.20339 OF 2019

Date: 20.09.2019

Between:

Penchikala John Babu S/o.Penchikala Santhosh Rao,
Aged about 55 yrs, Pump Operator,
PK.OC-IV, Manuguru, Bhadradri Kothagudem, Dist.
.....Petitioner

And

M/s.Singareni Collieries Co., Ltd.,
Rep., by the General Manager,
RC, IR&PM Corporate,
Kothagudem (PO),
Bhadradri Kothagudem Dt.507101 & another

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.20339 OF 2019****ORDER:**

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

2. Aggrieved by the communication dated 22.10.2018 informing the petitioner that he is attaining the age of superannuation of 60 years on 29.10.2019 and has to retire from service with effect from 01.11.2019, this writ petition is filed.

3. According to learned counsel for the petitioner, on 27.10.1985, caste certificate was issued by the Mandal revenue Officer, Aswapuram. In the said certificate, the date 24.05.1965 is also written and that is his date of birth. According to learned counsel, petitioner was not aware that his date of birth is recorded in the service record as 30.10.1959. When he received notice of retirement and having realized that wrong date of birth is entered, he again went before the Tahsildar, and obtained community and date of birth certificate on 05.07.2019. The said certificate also discloses his date of birth as 25.05.1965 and based on the said certificate a representation is made and the same ought to have been considered before retiring the petitioner from service.

4. Except the above document, no other material is placed on record to show that the actual date of birth of petitioner was 24.05.1965 and not 30.10.1959.

5. Be that as it may, petitioner also does not dispute the fact that his date of birth was recorded as 30.10.1959 and he never protested on the said date of birth entry, but tried to raise a plea at

this stage that he was not aware of what was recorded in the service record. Thus, it is not the case of the petitioner that correction was made subsequently, though initially correct date of birth was reflected. Even otherwise, based on some date written on the caste certificate petitioner cannot set up his claim as that is his date of birth.

6. It appears, at the time of joining in service no other material was placed on record by the petitioner to show his date of birth and therefore, as a regular practice, he was subjected to medical examination and based on the assessment of the medical officer, the date of birth was entered. Further, though notice of retirement was issued to petitioner on 22.10.2018, he waited for almost one year to make a representation and filed this writ petition immediately thereafter.

7. For the above stated reasons, I do not see any justification made out by the petitioner, warranting interference by this Court.

8. Writ Petition is accordingly, dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

20th September, 2019
Rds