

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**W.P.No.4082 OF 2012****ORDER**

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ or direction, particularly one in the nature of Writ of Mandamus declaring the action of the respondents in incorporating the petitioner date of birth as June 1954 instead of maintaining the petitioner date of birth as 03.05.1967, consequential action of the respondents in trying to retire the petitioner from service in the month of June, 2012 as illegal, arbitrary, capricious and in violation of Articles 14, 16, and 21 of the Constitution of India and consequently the petitioner pray this Hon'ble Court may be pleased to direct the respondents to continue the petitioner in service till 30.06.2025 along with consequential benefits in the interest of justice and fair play”

Heard Sri V.Narasimha Goud, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as a casual labour on 19.12.1989. Thereafter, his services were regularized *vide* proceedings dated 01.07.2009 as Shramik. While so, when he had applied for marriage loan during December, 2011, it was informed by

the respondents that his date of birth was entered in the service register as 'June, 1954'. On coming to know the same, the petitioner issued a legal notice on 20.12.2011 to the respondents to treat his date of birth as '3.5.1967' for all purposes by duly taking into account the entries made in Provident Fund record and Staff Retirement Benefit Scheme. In the said statutory records, the date of birth was rightly entered as '3.5.1967'. But the respondent-Corporation is maintaining a different date of birth contrary to the said statutory records. When the respondent-Corporation was taking steps to retire the petitioner in the month of June, 2012, he has filed the present writ petition.

Learned counsel appearing for the petitioner contends that in the statutory records i.e., Provident Fund and Staff Retirement Benefit Scheme, the date of birth of the petitioner was correctly recorded as '3.5.1967' and it is only in the service register that the date of birth was recorded as 'June, 1954'. He further contends that the entries made in the service register are contrary to the actual date of birth of the petitioner and even in the original service record, there were some over-writings.

The respondents in the counter-affidavit admitted that they have no supporting documents for recording the date of birth of the petitioner in the service register as 'June 1954'. He prays that appropriate direction be given to the respondents to treat the date of birth of the petitioner as '3.5.1967' by duly taking into consideration the entries made in Provident Fund record and Staff Retirement Benefit Scheme.

Learned Standing Counsel appearing for the petitioner-Corporation contends that the respondents would consider the case of the petitioner in terms of the Regulations of the Corporation by determining his correct age, after affording opportunity to him and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the respondents to determine the correct age of the petitioner in terms of the Regulations of the Corporation after affording an opportunity to him by taking into consideration the date of birth entered in the statutory records and pass appropriate orders within a

period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

3rd September, 2019
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