

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25203 OF 2016

ORDER:

When the matter is taken up for hearing, counsel for the petitioner as well as Standing Counsel appearing for the respondents had informed the Court that the issue raised in this writ petition is squarely covered by the order passed in W.P.No.12599 of 2019, dated 28.06.2019, wherein this Court has dealt with Regulation No.19(2)(b) and 19(3) of TSRTC Employees (Service) Regulations, 1964 and held that the Corporation cannot correct the date of birth at the fag end of the service of the employee. It is also submitted that in the instant case, the date of birth of the petitioner as entered in the service register was 05.09.1964 and the said date of birth was corrected as 10.05.1959 vide proceedings dated 27.05.2016 and based upon the corrected date of birth at the fag end of the service of the petitioner, the respondents have retired the petitioner on 31.05.2017 and the said correction at the fag end of the service of the petitioner is not permissible.

This Court, having considered the above submissions, is of the considered view that by following the order passed in the writ petition referred supra, the action of the respondents in correcting the date of birth of the petitioner at the fag end of his service *vide* proceedings dated 27.05.2016 is incorrect and therefore, the proceedings dated 27.05.2016 are liable to be set aside.

Accordingly, the writ petition is allowed and the proceedings dated 27.05.2016 are set aside. The respondents are directed to continue the petitioner as Assistant Depot Clerk till he attains the age of superannuation as per the date of birth entered in the service register, with all consequential benefits. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th September, 2019
v v

