

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1578 OF 2020

DATED : 17.02.2020

Between :

A. Krishna Rao S/o.Ramaiah,
Age 54 yrs, Occu : Man Mazdoor,
Work at Tripuraram Sub-Division,
R/o.Venkatadripalem Village,
Miryalaguda Mandal, Nalgonda District,
Telangana State.

..... Petitioner

And

The State of Telangana,
Rep., by its Special Chief Secretary,
Irrigation Dept.,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1578 OF 2020

ORDER :

Heard learned counsel for the petitioner and learned Government Pleader for Services-II for learned Government Pleader for Irrigation and Command Area Development appearing for the respondents.

2. Petitioner was appointed as N.M.R, on 01.11.1987. He is now working as Man Mazdoor and receiving a fixed monthly remuneration. Petitioner claims that from January, 2020, he is not allowed to work and no salary was paid for December, 2019. According to petitioner, his date of birth is 14.08.1965 and he is entitled to continue till 31.08.2023. Therefore, the action of the respondents in not allowing him to work from January, 2020 is not valid in law.

3. According to the respondents, the date of birth of the petitioner, as per the records available with them is 16.11.1959. All the NMR workers are continued till they attained the age of 60 years and in view thereof petitioner was continued as NMR till November, 2019 and thereafter he is not continued.

4. By referring to the study and conduct certificate enclosed at Page No.14 of the counter affidavit and the affidavit filed by the petitioner, enclosed at Page No.15, learned Government Pleader submits that as per the certificates produced by the petitioner, his date of birth was shown as 16.11.1959. Therefore, the contention of petitioner that he is entitled to continue till August, 2023 is not correct.

5. Learned counsel for the petitioner, sought to point out that the name mentioned in the study and conduct certificate is A. Krishna Murthy, whereas, petitioner is A.Krishna Rao, but not A.Krishna Murthy. Therefore, it does not belong to the petitioner.

6. The said contention is stated to be rejected. Petitioner filed affidavit stating that his name is Aribandi Krishna Rao, S/o.Ramaiah, whereas at the time of admission in school in the year 1964, his name was shown as Aribandi Krishna Murthy and in all subsequent records, his name was shown as Aribandi Krishna Rao. He therefore, requested to consider him as Aribandi Krishna Rao, instead of Aribandi Krishna Murthy, in the service records. In view thereof, it is no more permissible for the petitioner to contend that the study and conduct certificate dated 01.01.2010 does not belong to him. As the study certificate discloses the date of birth of petitioner as 16.11.1959, retiring the petitioner after November 2019, cannot be held as illegal.

7. At this stage, learned counsel for the petitioner sought to contend that petitioner also worked in December, 2019, which contention is denied.

8. Learned Government Pleader also submits that petitioner was retired on 18.11.2019, on completion of 60 years, therefore, the question of continuing him beyond that date does not arise.

9. That being so, it is open to the petitioner to place before the competent authority, the proof of his working in December, 2019 and if such proof is filed, the same may be verified and if it is found that petitioner has worked in December, 2019, he may be paid salary.

10. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

17th February, 2020
Rds

