

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 108 of 2021**

Awdhesh Singh S/o Late Parasnath Singh Aged About 59 Years R/o B Seam Colliery, Q.No. M/58, Post B Seam Colliery District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coal Fields Ltd. Through Chairman Cum Managing Director , South Eastern Coal Fields Ltd. Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Director (Personnel) South Eastern Coal Fields Ltd., Head Quarters, Seepat Road, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Sub Area Manager South Eastern Coal Fields Ltd. West J.K.D. Colliery, Hasdeo Area, P.O. Khongapani, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Chief Manager (Mining) South Eastern Coal Fields Ltd. West J.K.D. Colliery, Hasdeo Area, P.O. Khongapani, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Chandresh Shrivastava, Advocate
For Respondents	:	Mr. K.K. Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/01/2021**

1. The challenge in the present writ petition is the notice of retirement, which has been issued to the petitioner vide Annexure P/1 wherein the petitioner has been shown to be retiring from service w.e.f. 31.01.2021.
2. The contention for the petitioner is that in the entire records available with the respondents, the date of birth reflected including the statutory form and the register maintained by the respondents

show the date of birth of the petitioner to be 26.12.1961, on the basis of which the petitioner would stand retired on 31.12.2021. However, erroneously the respondents have treated the date of birth of the petitioner to be 26.01.1961 and retiring him before his usual date of appointment. Counsel for the petitioner further submits that even the educational certificates issued from the competent School and the Board also reflect his date of birth to be 26.12.1961. We further drew the attention to the PAN card and also to the Aadhar Card, both of which also have the date of birth of the petitioner as 26.12.1961.

3. The counsel for the respondents submits that it is a case where the petitioner has only recently made a representation to the Department i.e. in August, 2020 and at that point of time there were not much relevant document in support of his contention. In any case, the counsel for the respondents submits that the case of the petitioner can be considered under implementation instructions No.76 which deals with the correction of date of birth and an appropriate decision shall be taken by the respondents in the light of aforesaid implementation instructions No.76 at the earliest before 31st of January, 2021.
4. Given the said submission by the counsel for the respondents, let the petitioner at this juncture make an appropriate representation to the respondent No.2 as also to the respondent No.4 by day after tomorrow supported with all documents that he is relying upon in the present writ petition and the respondents No. 2 & 4 shall ensure that the case of the petitioner is subjected to verification in

terms of implementation instructions No.76. Let an early decision be taken on the same. It is directed that till the authorities take a decision on the implementation instruction No.76 in respect of the date of birth issue of the petitioner, the petitioner should not be discontinued from service and should be permitted to work.

5. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved