

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Writ Petition (S) No. 3099 of 2010**

Bhagelu Yadav, S/o Late Sobhram Yadav, Aged about 52 years, Mechanical Fitter, Category – VI, Jai Nagar, 5/6 Incline, SECL Bishrampur, Distt. Sarguja, Chhattisgarh.

**---Petitioner**

**Versus**

1. South Eastern Coal Fields Limited, Through the Chairman-cum-Managing Director, Seepat Road, Bilaspur, Chhattisgarh.
2. Chief General Manager, SECL Bishrampur, Distt. Sarguja, Chhattisgarh.
3. Personnel Manager, S.E.C.L. Bishrampur, Distt. Sarguja, Chhattisgarh.

**--- Respondents**

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For Petitioner :- Mr. A.K. Prasad, Advocate

For Respondents :- Mr. Shailendra Shukla, Advocate

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order on Board (Through Video Conferencing)**

**09/08/2021**

1. Petitioner herein calls in question the legality, validity and correctness of order dated 12/04/2010 (Annexure P/1) by which the Age Determination Committee under implementation

instruction No. 76 has determined the date of birth of the petitioner as 07/06/1951 which has been accepted by the respondents/SECL.

2.Mr. A.K. Prasad, learned counsel for the petitioner, would submit that the finding recorded by the Age Determination Committee is perverse and contrary to the evidence available on record. He would submit that Form-B issued by SECL (Annexure P/2), petitioner's identity card (Annexure P/3) as well as his transfer certificate of Class 10<sup>th</sup> issued by the Principal of the School (Annexure P/4) would clearly show that petitioner's date of birth is 13/01/1955 and therefore, the order of the Age Determination Committee approved by the respondents/SECL deserves to be set aside.

3.Mr. Shailendra Shukla, learned counsel for respondents, would submit that petitioner's date of birth has rightly been determined as 07/06/1951 which has been accepted by the employer SECL and no interference is called for.

4.I have heard learned counsel for the parties at length and perused the record.

5. In the dispute brought before this Court, in earlier round of litigation, this Court directed the respondents/SECL to refer the matter to the Age Determination Committee in accordance with Implementation Instruction No. 76 and decide petitioner's date of birth which has been decided as 07/06/1951 by the impugned order dated 12/04/2010 (Annexure P/1). When the matter was referred to the Age Determination Committee held on 23/02/2010, petitioner was the existing employee of respondents/SECL, as such, Clause (B) (i)(a) of the National Coal Wage Agreement III Implementation Instruction No. 76 would be applicable, which states as under :-

“(8) Review/determination of date of birth in respect of existing employees;

(1)(a) in the case of the existing employees matriculation certificate or Higher Secondary Certificate issued by recognized University or Board or Middle pass certificate issued by the Board of Education and/or department of Public Instruction and admit cards issued by the aforesaid bodies should be treated as correct provided they were issued by the said Universities/Boards/Institutions prior to the date of employment.”

6. Petitioner has relied upon Annexure P/3 i.e. a copy of his identity card issued by the SECL as well as Annexure P/4 i.e. a copy of his transfer

certificate of class 10<sup>th</sup> issued by the Principal of the School, which are not documents ear-marked under the Implementation Instruction No. 76. Similarly, he has also relied upon Annexure P/2 i.e. Form - B issued by the respondents/SECL in which though petitioner's date of birth has been recorded as 13/01/1955, but the Age Determination Committee has clearly recorded the finding that petitioner's date of birth as per initial Form B Register is 07/06/1951, as such, since the documents relied upon by the petitioner at present are not ear-marked documents under Clause (B)(i)(a) of Implementation Instruction No. 76, the finding of the Age Determination Committee determining petitioner's date of birth as 07/06/1951 is neither perverse nor contrary to the record. I do not find any good ground to set aside the finding of the Age Determination Committee which has been accepted by the respondents/SECL.

7. With the aforesaid observation, this writ petition stands dismissed. No cost(s).

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**