

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.3487 OF 2023
IN
WRIT PETITION NO. 931 OF 2016**

Shaikh Rashid Shaikh Dadamiya ...Applicant

In the matter between

Shaikh Rashid Shaikh Dadamiya ...Petitioner

Versus

Union of India & Ors. ...Respondents

Mr. Vishal P. Shirke, Advocate for the Applicant/Petitioner.

Mr. Neel Helekar a/w Mr. Anil D Yadav, Advocates for the Respondent - UOI.

**CORAM : DHIRAJ SINGH THAKUR AND
ARIF S. DOCTOR, JJ.**

DATE : 14th JUNE, 2023.

P.C.:

. The main relief claimed by the Petitioner in the writ petition is with regard to regularization. The Petitioner claims that he was engaged in the year 1992 and has completed thirty years of service. During the pendency of the present petition, the services of the Petitioner have been dispensed with w.e.f 31st March, 2023.

2. The present Interim Application has been filed seeking directions to the Respondents to continue the Petitioner/Applicant as Driver on ad-hoc/casual basis.

On the other hand learned Counsel for the Respondents states that the services of the Petitioner/Applicant have been dispensed with inasmuch as he attained the upper age limit of sixty years, at which generally even the substantively appointed employees in the department of post and telegraph are made to retire in accordance with Rules.

3. Learned Counsel for the Applicant however made an effort to press home the point that in fact the correct date of birth of the Petitioner/Applicant is 12th April, 1966 and not 12th April, 1963 as was earlier reflected in the records of the Respondents and on that basis it was urged that the Petitioner would have a right to continue in service even on casual basis for a further period of three years.

We however are not satisfied that this plea of the Petitioner/Applicant can be made a basis for directions to the Respondents to continue the Petitioner/Applicant any further. This plea appears to have been raised at the fag end just for

purposes of some how getting an extension in his employment on casual basis. In any event being a disputed question, we are not inclined to go into the correctness or otherwise of the claim regarding his date of birth which he now claims as correct.

Be that as it may, we find no reason to issue any such directions as are sought in the Interim Application, which is found to be without merit and is accordingly dismissed.

4. Learned Counsel for the Respondents to file response within six weeks from today in the writ petition.

5. List the writ petition on 26th July, 2023, for final hearing.

(ARIF S. DOCTOR, J.)

(DHIRAJ SINGH THAKUR, J.)