

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE TWELFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT APPEAL NO: 1155 OF 2023

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 13- 10- 2023 in the W.P.No. 5435 of 2013 on the file of the High Court.

Between:

Pathangi Sammaiah, S/o. Mallaiah, (E. 1700182) Aged about 60 yrs. , Occ Retired as Singareni Vehicle Driver, Area Workshop, Singareni Collieries Company Limited, Bhoopally, Warangal District.

...APPELLANT/PETITIONER

AND

1. The Singareni Collieries Company Limited, Rep by it Chairman and Managing Director, Kothagudem, Khammam District.
2. The General Manager, Singareni Collieries Company Limiter Kothagudem, Khammam District.
3. The General Manager, Singareni Collieries Company Limited, Bhupalpally, Warangal District.
4. The Deputy General Manager, Area work shop Singareni Collieries Company Ltd Bhupalpally, Warangal District.

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order passed by the Learned Single Judge on dt. 13. 10. 2023 in WP 5435/2013 and direct the respondents consider my representation letter and granting all other consequential and attendant benefits pending disposal of the writ appeal

Counsel for the Appellant: M/s. SRIDEVI KEERTHI

Counsel for the Respondents: SRI P. SRI HARSHA REDDY

(SC FOR SINGARENI COLLIERIES CO LTD)

The Court made the following: JUDGMENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO**

WRIT APPEAL No.1155 OF 2023

JUDGMENT: (Per AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 13.10.2023, passed in W.P.No.5435 of 2013 by a learned Single Judge of this Court.

2. Heard Ms. Sridevi Keerthi, learned counsel for the appellant and Sri P. Sri Harsha Reddy, learned Standing Counsel for Singareni Collieries Company Limited, appearing for the respondents.

3. Learned counsel for the appellant had contended that the appellant was initially engaged as a General Mazdoor with the respondents on 16.01.1983. The appellant has submitted his VII Class Common Board Examination Certificate in proof of his date of birth. As per the said Certificate, the date of birth of the appellant is '12.04.1963'. However, the respondents have erroneously entered the date of birth of the appellant as '08.06.1956' in the service record. Learned counsel further contended that the respondents have issued a Circular on 16.08.2012, wherein a decision was taken by the respondents to display the date of birth of all the employees in order to avoid any disputes with regard to the date of birth, which is being entered in the service record and it is also made clear in the

said Circular that if anybody is disputing about their date of birth, they are at liberty to submit representations, so as to enable the respondents to process the said representations in accordance with JBCCI guidelines. Accordingly, the appellant has submitted a detailed representation to the respondents on 31.08.2012 requesting to correct his date of birth from '08.06.1956' to '12.04.1963'. The appellant has also enclosed VII Class Common Board Examination Certificate in proof of his date of birth, but the respondents instead of processing the said representation in accordance with JBCCI guidelines, have rejected the case of the appellant *vide* order, dated 17.12.2012, without assigning any reason, except stating that as per the service record, the date of birth of the appellant is recorded as '08.06.1956' and hence, the same cannot be corrected. Aggrieved by the same, the appellant has approached this Court by filing the subject Writ Petition No.5435 of 2013 and a learned Single Judge of this Court *vide* impugned order, dated 13.10.2023, was pleased to dismiss the subject Writ Petition, on the ground that the appellant has approached the respondents at the fag end of his career seeking correction of his date of birth.

4. Learned counsel for the appellant had further contended that the appellant has not approached the respondents at the fag end of his career seeking correction of his date of birth. The appellant has submitted representation, dated 31.08.2012, seeking correction of

his date of birth, pursuant to the Circular issued by the respondents on 16.08.2012. But the respondents, instead of examining the case of the appellant as per JBCCI guidelines, have mechanically rejected the case of the appellant *vide* order, dated 17.12.2012. A perusal of the said rejection order discloses that no reasons were assigned as to why the case of the appellant was rejected and the respondents have retired the appellant prematurely on 30.06.2016. As per the original date of birth of the appellant, the appellant has to continue in service up to 30.04.2023. Therefore, the respondents are bound to consider the representation submitted by the appellant in terms of the Circular, dated 16.08.2012. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 13.10.2023, and further direct the respondents to reexamine the representation submitted by the appellant in terms of the Circular, dated 16.08.2012, issued by the respondents and pass appropriate orders in accordance with JBCCI guidelines.

5. On the other hand, learned Standing Counsel appearing for the respondents had contended that in the service record, the date of birth of the appellant was entered as '08.06.1956'. Accordingly, the respondents have retired the appellant from service on 30.06.2016. The appellant was not justified in seeking correction of his date of birth after rendering nearly three decades of service. Learned Standing Counsel further contended that the respondents have

rightly rejected the case of the appellant in terms of JBCCI guidelines. As per JBCCI guidelines, only SSC/Matriculation Certificate will be taken into account for the purpose of correction of date of birth. In the instant case, admittedly, the appellant has not produced any SSC Certificate. Therefore, the learned Single Judge was justified in dismissing the subject Writ Petition and the respondents are also justified in rejecting the case of the appellant *vide* order, dated 17.12.2012. Hence, there are no merits in the Writ Appeal and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that the learned Single Judge was not justified in dismissing the subject Writ Petition on the ground that the appellant is seeking correction of his date of birth at the fag end of his career. The appellant has submitted a representation on 31.08.2012, pursuant to the Circular, dated 16.08.2012, issued by the respondents, wherein an opportunity was given by the respondents to all the employees to submit representations seeking correction of their date of birth and that the said representations have to be processed as per JBCCI guidelines and based upon documentary evidence. Admittedly, in the instant case, the appellant has passed VII Class in the year 1976, wherein the date of birth of the appellant was entered as '12.04.1963'. Further, a perusal of the rejection order does not

disclose that the case of the appellant was considered in accordance with JBCCI guidelines. Therefore, the rejection order is contrary to the Circular, dated 16.08.2012, issued by the respondents. Therefore, the learned Single Judge is not justified in dismissing the subject Writ Petition on the ground that the appellant is seeking correction of his date of birth at the fag end of his career. Therefore, the rejection order, dated 17.12.2012, passed by the respondents as well as the impugned order, dated 13.10.2023, passed by the learned Single Judge, are liable to be set aside.

7. Accordingly, the Writ Appeal is allowed and the order, dated 13.10.2023, passed in W.P.No.5435 of 2013 by the learned Single Judge of this Court and the order, dated 17.12.2012, passed by the respondents, are set aside. The respondents are directed to reexamine the representation, dated 31.08.2012, submitted by the appellant seeking correction of his date of birth, strictly in terms of the Circular, dated 16.08.2012, and also in accordance with JBCCI guidelines and the observations made by this Court, and pass appropriate orders, in accordance with law, within a period of three (3) months from today. It is needless to state that the respondents shall give an opportunity of personal hearing to the appellant before passing any order. There shall be no order as to costs.

Miscellaneous Applications, if any, pending in this Writ Appeal,
shall stand closed.

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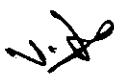
SD/- K.SAILESHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Singareni Collieries Company Limited,
2. , Kothagudem, Khammam District.
3. The General Manager, Singareni Collieries Company Limiter Kothagudem,
Khamammam District.
4. The General Manager, Singareni Collieries Company Limited, Bhupalpally,
Warangal District.
5. The Deputy General Manager, Area work shop Singareni Collieries Company
Ltd Bhupalpally, Warangal District.
6. One CC to M/s. SRIDEVI KEERTHI Advocate [OPUC]
7. One CC to SRI. P. SRI HARSHA REDDY (SC FOR SINGARENI
COLLIERIES CO LTD) [OPUC]
8. Two CD Copies

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GJ

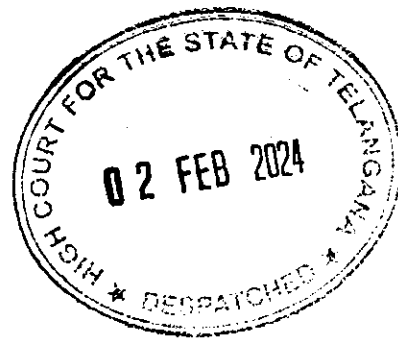


HIGH COURT

DATED:12/12/2023

JUDGMENT

WA.No.1155 of 2023



**ALLOWING THE WRITPETITION
WITHOUT COSTS**

(10) *v/v*
2/2/24