

(2009) 05 JH CK 0036
In the Jharkhand High Court

Faiyaz Ahmad

APPELLANT

Vs

Indian Iron and Steel Co. Ltd. and Others

RESPONDENT

Date of Decision : 21-05-2009

Acts Referred:

Citation : (2009) 05 JH CK 0036

Hon'ble Judges : Dabbiru Ganeshrao Patnaik, J

Bench : Single Bench

Judgement

D.G.R. Patnaik, J.—Heard Sri Shekhar Prasad Sinha, learned Counsel for the petitioner and Sri Ananda Sen, learned Counsel for the respondent I.I.S.C.L.

2. Prayer in this writ application is for quashing the letter dated 30.10.2000 (Annexure-9) issued by the Chief Personnel Manager (Respondent No. 2) whereby the petitioner's objections and his prayer to rectify his date of birth, has been refused.

3. By way of an amendment application, the petitioner has also introduced another order dated 01.02.2006 (Annexure-13) whereby the petitioner was informed that he will superannuate on 28.02.2006.

4. The petitioner's case is that he was inducted in the employment of the respondent company in the Chasnala Colliery as a Mazdoor. Though he was a matriculate at the time of his appointment, but since the certificates concerning the academic qualifications were not required to be submitted, he did not submit the same. Subsequently, when the petitioner came to learn that the date of birth as entered in his service records was incorrect, he filed an application before the concerned authorities of the respondents praying for rectification of the entry. Such claim was endorsed even by his controlling officer namely the Agent of the Colliery-cum-Chief Personnel Manager way back in the year 1992 but the petitioner's prayer for rectification remained unattended.

Later, on 17.10.1998, he received a letter by which he was called upon to submit his objections together with all relevant documents in support of his claim for

"rectification.

The petitioner claims that the letter was served upon him in the month of February, 1999 and promptly thereafter, he filed his objections. He was asked to appear before the Age Determination Committee on 10.02.2000 at 4 PM and he appeared before the Committee in compliance with the directions.

Thereafter, he did not hear from the respondents and after about four years, the impugned letter was issued to him declaring that his prayer for rectification of age was rejected on the ground of such prayer being belated.

5. Learned Counsel for the petitioner submits that such ground of rejection is not tenable in view of the fact that respondents have themselves allowed the petitioner to file his objections and the petitioner had promptly filed his objections praying for rectification of his age. Learned Counsel argues further that the respondents have illegally ignored the matriculation certificate produced by him, which would confirm that the petitioner's date of birth is 18.07.1951.

6. Per contra, Sri Ananda Sen, learned Counsel for, the respondents would explain that at the time of his appointment, the petitioner, even though has claimed himself to be a matriculate, but he did not produce the matriculation certificate for the purpose of recording his age and on the contrary, he had filled up the Personal Declaration Form in his own handwriting declaring his date of birth therein as 26 years on the date of appointment. The petitioner's request for rectification made at the far end of the service could not therefore, be allowed.

7. From the facts and circumstances, of the case, it appears that even though the respondents had themselves given opportunity to the petitioner for filing his objections for rectification of the entry regarding his date of birth in his service, records and the petitioner had responded promptly, the respondent had rejected the petition abruptly on the plea that it was belated. The respondents had not considered the documents including the matriculation certificate produced by the petitioner. Apparently, the decision taken by the respondents on the petitioner's objection and prayer for rectification of his age, was passed without proper application of mind and in the light of the attending circumstances of the petitioner's case.

8. For the reasons discussed above, I find merit in this application. Accordingly, this writ application is allowed. The impugned order dated 30.10.2000 (Annexure-9) passed by the respondents, is hereby set aside. The matter is remitted back to the respondents who shall reconsider the petitioner's claim in the light of the grounds stated by him including the certificates in proof of his age and in the light of the judgements passed by this Court as also by the Supreme Court on similar issues, referred to by the petitioner. Such decision shall be taken within three months from the date of receipt/production of a copy of this order.

With these observations, this writ application is disposed of.

Let a copy of this order be given to the learned Counsel for the respondents.