

(2010) 04 JH CK 0052
In the Jharkhand High Court

Ram Kripal Singh

APPELLANT

Vs

Steel Authority of India and Another

RESPONDENT

Date of Decision : 16-04-2010

Acts Referred:

Citation : (2010) 04 JH CK 0052

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Amareshwar Sahay, J.—Heard the parties and with their consent, this writ petition is being disposed of finally at this stage itself.

2. In the present writ petition, the petitioner has prayed for quashing the letter dated 29.07.2006 as contained in Annexure- 4 to the writ petition, issued by the respondents, informing him that he would attain the age of 60 years as per the Company's Records on 03.03.2007 and accordingly, he shall be released from service of the Company w.e.f. 31.03.2007 (A/N).

3. The petitioner entered in the service of the respondents -Company in 1973 and according to him, he submitted his Matriculation Certificate before the authorities of the respondents showing his date of birth as 24.01.1953. As per his date of birth mentioned in the Matriculation Certificate, he would attain the age of 60 years on 25.01.2013. Further, according to the petitioner, he was subsequently promoted to different posts on consideration of his Matriculation Certificate. Prior to issuance of the impugned Annexure-4, he was working as a Loading Inspector.

4. The grievance of the petitioner is that suddenly, the impugned letter, as contained in Annexure-4, has been issued whereby he has illegally and prematurely been ordered to retire from the service on and from 31.03.2007 on the ground that as per the records of the Company he completed the age of 60 years on 03.03.2007.

5. A Counter Affidavit has been filed on behalf of the respondents wherein, it is stated that the petitioner was appointed temporarily in service of the Company on 09.03.1973 and, thereafter, he was permanently employed as a Piece Rate Face Worker on 01.03.1974. At the time of his entering in service, the petitioner was medically examined and his age was assessed as 26 years on 03.03.1973. It is further stated in the Counter Affidavit that the petitioner, in his own handwriting, filled up a self declaration, wherein, he put his age as 26 years. In the Form-B Register also, his date of birth has been recorded as 03.03.1947 which is in consonance with the Medical Report and, therefore, the petitioner has rightly been issued the impugned Annexure-4 intimating that he would superannuate on and from 31.03.2007.

6. From the facts stated above, it appears that there is no dispute of the fact that the petitioner entered in the service of the respondents-Company in the month of March, 1973 and as per Annexure-1 to the writ petition, which is a Matriculation Certificate issued by the Bihar School Examination Board, it appears that the petitioner passed the matriculation examination in Second Division in March, 1972 itself and, therefore, it is apparent that before entering into service of the respondents- Company, the petitioner had already passed the matriculation examination. The Matriculation Certificate clearly discloses that his date of birth is 24.01.1953.

7. The present case is squarely covered by the decision of the Full Bench of this Court in the case of Kamta Pandey v. M/s. B.C.C.L. through its Chairman - cum - Managing Director reported in 2007(3) JLJR 726 as well as the Order dated 28/11/2007 passed by a Single Bench of this Court in the case of Balbhadra Mishra v. Steel Authority of India Ltd. and Ors. (W.P.(S) No. 5600 of 2007].

8. The Full Bench of this Court in the case of Kamta Pandey (Supra) has clearly held that when an employee has obtained the Matriculation Certificate before entering into the service, duly issued by the recognised Education Board, the date of birth must be determined on the basis of the said Matriculation Certificate issued by the Education Board.

9. Relying on the Full Bench decision of this Court, the learned Single Judge of this Court, in the case of Balbhadra Mishra (Supra), has held that the date of birth recorded in Matriculation Certificate duly authenticated by the Education Board, shall duly determine the age of retirement

10. For the reasons stated herein, I hold that the respondents have wrongly and illegally issued the impugned letter dated 29.07.2006 as contained in Annexure-4 to the writ petition, asking the petitioner to superannuate on and from 31.03.2007 on the basis of the records of the Company ignoring the Matriculation Certificate of the petitioner which clearly discloses his date of birth as 24.01.1953 and as such, he would retire from service on completion of 60 years from that date.

11. Accordingly, this Writ Petition is allowed. The letter dated 29.07.2006 as

contained in Annexure- 4 to the writ petition retiring the petitioner from the service on and from 31.03.2007 is hereby quashed and the respondents are directed to make necessary correction in the date of birth of the petitioner in his service records and to pass consequential orders.