
(2014) 12 KAR CK 0128

In the Karnataka High Court

Case No : Writ Appeal No. 30731/2013 (L-RES)

West Coast Paper Mills Ltd.

APPELLANT

Vs

Abdulrehman

RESPONDENT

Date of Decision : 09-12-2014

Acts Referred:

Citation : (2014) 12 KAR CK 0128

Hon'ble Judges : Mohan M. Shantana Goudar, J;K.N. Phaneendra, J

Bench : Division Bench

Advocate : Ravi Hegde, Advocate for the Appellant; Anant P. Savadi, Advocate for the Respondent

Judgement

Mohan M. Shantana Goudar, J.—The order dated 2nd November 2012 passed in Writ Petition No. 63700/2012 is called in question in this appeal.

2. The respondent herein was a workman under the appellant. His services were regularized in the year 1977. At the time of joining the service, the workman had furnished his Date of Birth as "1951"; the exact date and month of birth were not furnished by the workman and only the year of birth was furnished. The same was recorded in the Service Register maintained by the appellant organization including the ESI record. The workman was superannuated on 6.3.2009. All the dues of the workman were settled on 14.3.2009. The terminal benefits were paid to the workman and the same were accepted by the workman on that day. After about 2 1/2 years, the workman approached the Labour Court in KID No. 45/2011 contending that his Date of Birth is 1.6.1952 and therefore he should have been superannuated on 1.6.2010 (after completion of 58 years) and not earlier thereto. The Labour Court accepted the contention of the workman in part and passed an award directing the appellant to pay Rs. 75,000/- to the workman in lieu of the remaining terminal benefits. The award of the Labour Court was questioned both by the workman as well as the Management in Writ Petition Nos. 65947/2012 and 63700/2012. The said writ petitions were clubbed, heard and decided together by the impugned order by concluding thus:

"The management shall now treat the date of superannuation of the workman as 31.12.2009 and thereafter calculate the length of service up to the said date and also pay him the wages alongwith consequential benefits from 6.3.2009 and also the terminal benefits taking the service as continuous upto 31.12.2009."

3. We do not find any ground to interfere in the order passed by the learned Single Judge inasmuch as the same is just and reasonable under the facts and circumstances of the case. Learned Single Judge is justified in ignoring 1.6.1952, the so called Date of Birth furnished by the workman before the Labour Court for the first time. Learned Single Judge is also justified in concluding that the date of superannuation of the workman should be treated as 31.12.2009.

We say so because the workman has furnished his year of birth as "1951". As aforementioned, the exact date and month of birth were not furnished by the workman while entering into service. Undisputedly, the workman was entitled to continue in service till he attains the age of 58 years. Therefore the date of superannuation would be anywhere in between 1.1.2009 and 31.12.2009. In the matter on hand, curiously the Management chose to conclude that the workman's date of superannuation is 6.3.2009. There is no basis for concluding so inasmuch as 6th day of March is not the date and month given by the workman at the time of his entry into service as his date and month of birth. Since the date of birth could be anywhere in between 1.1.1951 and 31.12.1951 and as the Management has accepted the year of birth as mentioned by the workman, the learned Single Judge is justified in concluding that at the most the workman was entitled to continue in service up to 31.12.2009. Hence, the order of the learned Single Judge is not only legal but also equitable and reasonable under the facts and circumstances of the case. Accordingly no interference is called for.

Appeal fails and the same stands dismissed.