

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 1002 OF 2025

Writ Appeal under clause 15 of the Letters Patent filed against the order dated 03.07.2025 in Writ Petition No.31425 of 2024 on the file of the High Court.

Between:

M. Rajeswar, S/o M. Narsaiah aged about 55 years Retired as a Pump Operator H. No.16-2-64 Ink line Radhagamabala Basthi VTC Bellampalli town and Mandal Adilabad District

...APPELLANT/PETITIONER

AND

1. The Singareni Collieries Company Limited (SCCL), Rep. by its Chairman and Managing Director Having its Corporate Office at P.B.No.18, Red Hills, Singareni Bhawan, Ladki-ka-pool, Hyderabad 500 004
2. The Director (P A & W), The Singareni Collieries Company Limited (SCCL) Having its Head Office at Kothagudem Bhadradi Kothagudem district -507 101
3. The Personal General Manager, (EE & FAC) The Singareni Collieries Company Limited (SCCL) Having its Head Office at Kothagudem Bhadradi Kothagudem district -507 101
4. The General Manager Having its Head Office at Kothagudem, The Singareni Collieries Company Limited (SCCL) Bhadradi Kothagudem district -507 101
5. The General Manager, Mandamarri Area The Singareni Collieries Company Limited (SCCL) Bhadradi Kothagudem district -507 101
6. The Mines Manager, Shanthikhani Mandamarri Area The Singareni Collieries Company Limited (SCCL) Bhadradi Kothagudem district -507 101
7. The Collieries Manager, Shanthikhani Mandamarri Area The Singareni Collieries Company Limited (SCCL) Bhadradi Kothagudem district -507 101
8. The State of Telangana, Rep. by its secretary Mines and Geology department Secretariat Hyderabad -500022

...RESPONDENTS

IA NO: 1 OF 2025

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 continue the petitioner in service as Pump Operator till the 31/05/2030 by suspending the impugned order dated 03-07-2025 passed in W.P.No.31425 of 2024 pending disposal of the writ appeal.

Counsel for the Appellant: SRI G. ALLABAKASH

**Counsel for the Respondents No. 1 to 7: SRI ANIL KOMIREDDY,
REPRESENTING SRI C. RAMAN KUMAR REDDY,
ADDITIONAL S.C. FOR SINGARNI COLLIERIES CO. LTD**

The Court made the following: JUDGMENT

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

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.1002 of 2025

DATED: 03.12.2025

Between:

M. Rajeswar S/o. M. Narsaiah

... Appellant

AND

The Singareni Collieries Company Limited (SCCL) & 7 others

... Respondents

JUDGMENT:

Heard Mr. G.Allabakash, learned counsel appearing for the appellant and Mr. Anil Komireddy, learned counsel representing Mr. C.Raman Kumar Reddy, learned Additional Standing Counsel for Singareni Collieries Company Limited appearing for respondent Nos.1 to 7.

2. The writ petition was filed with the following prayer:

“For the reasons stated in the accompanying affidavit, it is therefore, prayed that this Hon’ble Court may be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus to declare the impugned order Ref.No. MMR/SK/W15/2024/984 dated 28-3-2024 issued by the 7th respondent Ref.No. MMR/PER/L/062/24/4242 dated 19-9-2024 issued by the 5th respondent and Ref. No. MMR/SK/P.14/24/2180 dated 21-9-2024 issued by the 6th respondent intimating the petitioner’s due date of retirement date 31-5-2025 though the date of retirement on 30-6-2030 as per date of birth as 25-6-1970 as recorded by the 7th class examination of Board is illegal, arbitrary violative of Articles 14, 16, 19(1)(g) and 21 of the Constitution of India and The Age Disputes and Retirement Rules and set aside the same consequently direct the respondents to continue the petitioner in service as Pump Operator in the Singareni Collieries Company Limited (SCCL) Bhadradi Kothagudem district by granting all the service benefits to the petitioner and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

3. The prayer was denied by the learned writ Court with the following findings:

“6. There is no dispute that the petitioner joined in the respondents’ Company on 23.08.1988, and at the time of appointment, he did not produce any certificate with regard to his date of birth. As per respondents’ Company Rules and JBCCI guidelines, if any employee is illiterate or has not submitted any proof of his age/date of birth at the time of his appointment, his age/date of birth will be determined by the Colliery Medical Officer and the age/date of birth as

determined by the Colliery Medical Officer shall be treated as the correct date of birth and the same will not be altered under any circumstances. In view of the same, since the petitioner had not submitted any proof of his age/date of birth at the time of his appointment, he was referred to the Colliery Medical Officer for assessment of his age/date of birth. The Colliery Medical Officer, as per the rules of the respondent Company and JBCCI guidelines, has assessed the age of the petitioner as 24 years as on 25.05.1988, i.e., 25.05.1964 and the petitioner has acknowledged it and the same was treated as final and subsequently recorded in all the statutory records of the respondent Company such as Form-O, Form-B Register, Service Book and EPR. The petitioner neither denied it nor questioned the said date of birth as determined by the Colliery Medical Officer till the fag end of his service.

7. It is pertinent to mention here that as per personal information provided by the petitioner to the Coal Mines Provident Fund Organization, his wife's name is mentioned as M. Sunitha, and her date of birth is shown as 01.07.1968. If the petitioner's date of birth, as alleged by him, is in the year 1970, would he accept his wife's date of year as 1968? That itself shows that the petitioner did not submit any document with regard to his date of birth at the time of his appointment. As per the respondents' Company Rules and JBCCI guidelines, the entire record was prepared, and the petitioner signed all the forms without any protest. In view of the same, it is made clear that the respondent Company did not make any incorrect entry regarding the date of birth of the petitioner is concerned.

8. Learned counsel for the petitioner has relied upon the Division Bench judgment, dated 25.09.2024 Writ Appeal No.684 of 2024 of our own High Court (1st supra) wherein it is observed that in case of dispute with regard to the age of an

employee, the same has to be referred to the Age Determination Committee to resolve the same.

In the case on hand, since the petitioner did not produce any record regarding his date of birth at the time of his appointment, he was referred to the Colliery Medical Officer for assessment of his age and date of birth. The Colliery Medical Officer, as per the rules of the respondent Company and JBCCI guidelines, has assessed the petitioner's age as 24 years as on 25.05.1988, i.e., 25.05.1964. As such, the above judgment does not apply to the case on hand.

9. Learned counsel for the petitioner has relied upon the decision of this Court in **B. Komaraiah** (2nd supra), wherein it was observed as follows:

"...the impugned order cannot be sustained nor can the determination of the age of the petitioner arrived at by the Age Determination Committee without considering the Transfer Certificate be considered as correct. The 1st respondent is therefore directed to consider the request of the petitioner for correction of the date of birth on the basis of the Transfer Certificate which the petitioner had produced. Admittedly, the original of that Certificate was issued prior to the date of his entry into service. The 1st respondent shall consider the effect of that certificate and correct the date of birth of the petitioner in the service record, so as to enable him to continue in service till he attains age retirement determined on a consideration of the above certificate. There will be direction that till such time a final decision is rendered, petitioner shall be continued in service."

In the above case, the Transfer Certificate was issued before his date of appointment. At that juncture, this Court directed to consider the Transfer Certificate. There are several

judgments of the Apex Court that for the determination of date of birth, a Transfer Certificate is not the basis.

In the case on hand, the petitioner did not produce any document to prove his date of birth at the time of his appointment. As stated supra, the Colliery Medical Officer, as per the rules of the respondent Company and JBCCI guidelines, has assessed the age of the petitioner as 24 years as on 25.05.1988 i.e., 25.05.1964. Hence, the above case does not apply to present set of facts.

10. Learned counsel for the respondents has relied upon the judgment of the Hon'ble Supreme Court in **Karnataka Rural Infrastructure Development Ltd.**, (stated supra) wherein at para No.11 it is observed as follows:

"11. Considering the aforesaid decisions of this Court the law on change of date of birth can be summarized as under:

(i) application for change of date of birth can only be as per the relevant provisions/regulations applicable;

(ii) even if there is cogent evidence, the same cannot be claimed as a matter of right;

(iii) application can be rejected on the ground of delay and laches also more particularly when it is made at the fag-end of service and/or when the employee is about to retire on attaining the age of superannuation."

In the case on hand, the petitioner made a representation to the respondent authorities informing them about his date of superannuation. However, at the time of appointment, he did not produce any document to confirm his date of birth. Hence, the question of correction of date of birth does not arise. As such, this Writ Petition is liable to be dismissed.

11. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs."

4. Being aggrieved, the petitioner has preferred this appeal.

5. Learned counsel for the petitioner submits that the decisions rendered by a Coordinate Bench of this Court in W.A.No.684 of 2024 and in the case of **B. Komaraiah v. Singareni Collieries Company Limited**¹ have not been properly considered. The petitioner has only sought for a direction upon the Coal Company to follow the procedure laid down by the Joint Bipartite Committee for Coal Industry (JBCCI) guidelines for correction of the date of birth by referring his case to the Age Determination Committee since the age or date of birth recorded in the service records do not align with the educational certificate issued by the Board and School certificates.

6. Learned counsel for the respondent Coal Company has supported the findings of the learned writ Court.

7. We have considered the submissions of learned counsel for the parties, gone through the impugned order and also the relevant records pointed out from the pleadings.

¹ 1992 (2) ALT 198

8. It is apparent that at the time of entry in service on 25.05.1988, his age was assessed as 24 years by the Colliery Medical Officer and on that reckoning, it was recorded as 25.05.1964. Counting 60 years from that date, petitioner was served with superannuation notice. Petitioner made his claim for correction of date of birth at the fag end of his service by filing a writ petition in the year 2024 which was disposed of with a direction to consider his representation and pass appropriate orders in accordance with law. Pursuant thereto, the speaking order dated 28.03.2024 was passed rejecting his claim for change of date of birth. On perusal of the records, it is apparent that in all the statutory records of the respondent company such as Form-O, Form-B, Service Book and EPR, the date of birth recorded at the time of entry in service is the same. Even in the self-declared CMPF Form-A, petitioner has recorded his date of birth as 25.05.1964. Therefore, the learned writ Court, after considering the case of the parties and also taking note of the judgments relied upon, did not find any reason to interfere in the matter. It also relied upon the judgment of the Apex Court in the case of **Karnataka Rural Infrastructure Development Limited v. T.P.**

Nataraja² wherein the Apex Court has summarised the legal position as regards request for change in date of birth at the fag end of service or when the employee is about to retire on attaining the age of superannuation.

9. We, therefore, do not find any error in the impugned order.

10. The instant appeal is, accordingly, dismissed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

² (2021) 12 SCC 27

SD/-A.V.S. PRASAD
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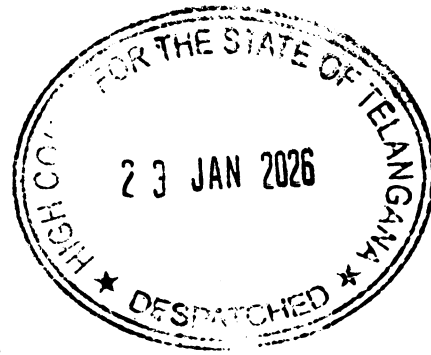
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HIGH COURT

DATED:03/12/2025



JUDGMENT

WA.No.1002 of 2025

**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

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