

Rahimuddin Ansari Vs. M/S Central Coal Fields Ltd. Through Its Chairman Cum Managing Director and Others

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Court : Jharkhand

Decided On : Aug-19-2017

Appellant : Rahimuddin Ansari

Respondent : M/S Central Coal Fields Ltd. Through Its Chairman Cum Managing Director and Others

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P.(L) No. 1429 of 2011
Rahimuddin Ansari .. Petitioner Versus 1. M/s Central Coal Fields Ltd.,
represented through its Chairman-cum- Managing Director, Ranchi 2. The General
Manager, Hazaribagh Area, M/s Central Coal Fields Ltd., Charahi, Ramgarh 3.
The Project Officer, Tapin North Colliery, M/S Central Coal Fields Ltd., Tapin,
Ramgarh 4. The Deputy Commissioner, Dhanbad .. Respondents ----- CORAM
HONBLE MR. JUSTICE RAJESH SHANKAR ----- For the Petitioner: M/s Rahul
Kumar, Sumit Prakash For the C.C.L: Mr. A. K. Das ----- 04/19.08.2017 The
present writ petition has been filed for quashing the award dated 15.04.2010
passed by the learned Central Government Industrial Tribunal No.2 at Dhanbad in
Reference No. 70/2004.

2. The factual matrix of the case is that the petitioner was working as Electrician at
Tapin North Colliery since 22.11.1974. A dispute relating to the date of birth of the
workman/petitioner was raised through the Union, which was subsequently

referred to the Central Government Industrial Tribunal No.2, Dhanbad and numbered as Reference Case No. 70/2004. The term of the reference was whether the action of the Management of Tapin North Colliery of M/s C.C.L not to accept 06.06.1951 as the date of birth of Shri Rahimuddin Ansari, the workman is justified? If not, to what relief is the concerned workman entitled? The learned Tribunal finally passed an award dated 15.04.2010 and answered the reference in favour of the Management holding that the Form 'B' Register, Service-Book and L.T.C Form 'A' from 16.06.1995 to 24.06.1995 support the fact that the date of birth of the petitioner is 06.06.1948.

3. The learned counsel for the petitioner submits that the Age Determination Committee/Age Fixation Committee, constituted for assessing the age of those workmen who had no Matriculation certificate, had assessed the age of the petitioner as 35 years on 06.06.1986, which was later on tampered by the Management. It is further submitted that in the service excerpts issued to the petitioner on 01.04.1987 and the L.T.C2Form 'A' filled up by the petitioner on 22.12.1999, his age has been shown as 06.06.1951. It is further submitted that the respondent- Management prepared a Service-Book on the basis of concocted and fabricated information, which has not been signed by the then competent authority. It is further submitted that immediately after coming to know about the wrong entry of the date of birth in some important records, the petitioner made representation on 28.08.1998 to the Project Office, Tapin North Project, C.C.L and requested for correction in the said wrong entry. Thereafter, the petitioner constantly agitated the matter before the Management and finding no option, raised an industrial dispute through the Union. It is further submitted that the Doctor (Thakur S.K Singh), who was the Medical Officer of the Age Determination Committee, has stated in his deposition that on 06.06.1986, the concerned workman was medically examined for determination of his age and on 06.06.1986, his age was declared as 35 years. It is further submitted that the petitioner has been forcefully made to retire on 30.06.2008 treating his date of birth as 06.06.1948.

4. Per Contra, the learned counsel for the respondent-CCL submits that the service-sheet of the petitioner was opened in the beginning of the service in which his date of birth has been written as 06.06.1948 both in words as well as in

number and the same was accepted by the petitioner by putting his signature and left thumb impression thereon. It is further submitted that in the statutory Form 'B' Register maintained under the Mines Act, 1952 also, the date of birth of the petitioner has been recorded as 06.06.1948 and the same has been accepted by the petitioner by putting his signature thereon. Learned counsel further submits that in fact the Age Fixation Committee had ascertained the age of the petitioner as 38 years on 06.06.1986, which is evident from the report of the Committee itself (Annexure-C to the counter affidavit). It is further submitted that in the L.T.C Form 'A' availed during 16.06.1995 to 24.06.1995, the age of the petitioner has been mentioned as 47 years 3 and the same was also accepted by the petitioner by putting his signature thereon. It is further submitted that in the service excerpts of the petitioner, his date of birth has inadvertently been mentioned as 06.06.1951 and the same is not in conformity with any other record i.e. service-sheet and the Form 'B' Register.

5. Having heard learned counsel for the parties and on going through the relevant documents placed on record, it appears that in the service- sheet of the petitioner, his date of birth has been mentioned as 06.06.1948, according to which he retired from the service of the respondent-Management on 30.06.2008. It is also noticed that in the service-sheet, the date of birth of the petitioner has been mentioned both in numeral as well as in words, which he has accepted by the petitioner by putting his signature and left thumb impression on the same. Moreover, in the Form 'B' Register, which is a statutory record maintained under the Mines Act, 1952, his date of birth has been recorded as 06.06.1948, which has also been accepted by him by putting his signature on it. It is further evident from L.T.C Form 'A', availed by the petitioner during 16.06.1995 to 24.06.1995, that his age has been mentioned as 47 years and the same has been accepted by the petitioner by putting his signature on the same. Thus, the case of the respondent-Management that in the service-sheet excerpts, the date of birth of the petitioner has inadvertently been mentioned as 06.06.1951, has got substance, as the said date of birth is not in conformity with the other important records maintained by the respondent-Management such as: service-sheet and the statutory Form 'B' Register. Moreover, it is evident from the deposition of W.W-2 (Thakur A.K.Singh) that though he has stated in his deposition that in Ext.W-1, the age written as 35

has been overwritten and it has been corrected with his initial, yet he has subsequently stated in his deposition that in the said exhibit (Ext.W-1), the age of the petitioner has been mentioned as 06.06.1986 minus 38 in which there is no overwriting. Thus, even in view of the deposition of 4 W.W-2 also, it can be construed that in Ext.W-1, the age of the petitioner has been mentioned as 06.06.1948.

6. On careful consideration of the impugned award, I am of the view that the learned Industrial Tribunal after considering the aforesaid aspects, has rightly concluded that when the age of the petitioner was already assessed by the Assessment Committee, there was no question to refer him again to the Medial Board/Age Fixation Committee for assessment of his age. It has also been rightly observed that in the statutory Form 'B' Register and the service-sheet, the date of birth of the petitioner has been mentioned as 06.06.1948. The L.T.C Form 'A' (Ext.M-

4) also mentions the age of the petitioner as 47 years in 1995. On the basis of these facts, the learned Industrial Tribunal reached the conclusion that the date of birth of the petitioner is to be reckoned as 06.06.1948. Accordingly, the reference has been answered against the petitioner.

7. Considering the aforesaid facts, I find no infirmity in the impugned award dated 15.04.2010 passed by the learned Central Government Industrial Tribunal No.2 at Dhanbad in Reference No. 70/2004.

8. The writ petition, being devoid of merit, is, accordingly, dismissed. (RAJESH SHANKAR, J) High Court of Jharkhand, Ranchi Dated 19.08.2017 Satish/A.F.R

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