

Hemraj Vs. the State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice Rohit Arya

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Court : Madhya Pradesh

Decided On : Jan-28-2014

Appellant : Hemraj

Respondent : The State of Madhya Pradesh Judgement Given By: Hon'ble Shri Justice Rohit Arya

Advocate for Pet/Ap. : Shri. Rajneesh Gupta

Judgement :

1 W.P.No.21861/2013.

28/01/2014 Shri Rajneesh Gupta, counsel for the petitioner.

Shri Rajesh Tiwari, Government Advocate for the respondents/State on advance notice.

Petitioner is aggrieved by recording of his date of birth in the service record wherein his age is shown to be 22 years at the time of initial appointment and his date of birth is shown 30/12/1951.

Petitioner disputed the aforesaid endorsement of date of birth in the service record.

Petitioner submitted that he was illiterate person and at the time of entry in service, the respondents did not put him for medical examination for ascertainment of his age.

On the basis of the said endorsement in the service book, without any notice and opportunity of hearing to the petitioner, on the strength of alleged service record he is being subjected to retirement.

He has served a legal notice Annexure P/4 dated 06/12/2013.

Despite having been served legal notice, the respondents have not decided the same in accordance with law.

Petitioner seeks limited direction to command the respondents to treat the aforesaid legal notice as representation and decide the same in 2 W.P.No.21861/2013.

accordance with law.

Prayer appears to be reasonable, it is accordingly, directs that petitioner shall submit fresh representation along with documents annexed with this writ petition within 15 days along with certified copy of this order.

The respondents shall be well advised to address upon the issue raised by the petitioner as regards his date of birth and consider the same on the material placed before the authority.

The respondents shall also afford an opportunity of hearing to the petitioner.

It is expected that the respondents shall pass a reasoned speaking order upon consideration of material on record after hearing the petitioner.

Exercise be completed within three months from the date of production of certified copy of this order and representation.

It is made clear that this court has not expressed any opinion on merits of the case.

With the aforesaid observation, the petition stands disposed of.

(ROHIT ARYA) JUDGE AKM

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