

M. Krishna Murthy Vs. Superintendent of Post Offices, Secunderabad Divisions, Begumpet, Hyderabad

M. Krishna Murthy Vs. Superintendent of Post Offices, Secunderabad Divisions, Begumpet, Hyderabad

SooperKanoon Citation : sooperkanoon.com/428303

Court : Andhra Pradesh

Decided On : Jan-18-2001

Reported in : 2001(1)ALD559; 2001(1)ALT648

Judge : Goda Raghuram, J.

Appeal No. : WP No. 419 of 2001

Appellant : M. Krishna Murthy

Respondent : Superintendent of Post Offices, Secunderabad Divisions, Begumpet, Hyderabad

Advocate for Pet/Ap. : Mr. B. Ramana Murthy, Adv.

Judgement :

1. The petitioner entered into service on 12-6-1967 as Extra Department Branch Postmaster (EDBPM) at Ponnal Branch PO, RR District. At the time of entry into service he gave his date of birth as 20-2-1936. The petitioner states that while he was going through some old records he discovered his 'Janma Patrika', which showed his date of birth as 20-2-1938. On discovery of the above fact, the petitioner submitted a representation in November, 2000 seeking correction of his date of birth in service records from 1936 to 1938. Without disposing of the said representation the respondent has, by notification dated 22-11-2000, called for

applications for filling up of the post of EDBPM for Ponnal village, is the grievance. The petitioner, admits that if his date of birth is 1936 then he would be due to retire in 2001 on attaining the age of 65 years. He, however, contends that since his date of birth is 1938 he is entitled to continue upto 2003. He assails the inaction of the respondents in disposing of his representation for correction of his date of birth and also the conduct in issuing the notification dated 22-11-2000.

2. The petitioner's discovery of what he assumes in his correct date of birth, 33 years, after his entry into service, does not entitle him to correction of his date of birth that too on the basis of his 'Janma Patrika'. It is settled principle of law that an application for correction for date of birth belatedly made and on the eve of retirement need not be entertained by the employer - vide Union of India v. Harnam Singh, : (1994)ILLJ318SC ; Burn Standard Company, Limited v. Dinabandhu Majumdar, : [1995]3SCR712 ; Secretary and Commissioner, Home Department v. R. Kirubakaran. 1994 Supp. (1) SCC 155; State of Tamil Nadu v. T.V. Venugopalan, : (1994)6SCC302 ; Chief Medical Officer v. Khadeer Khadri, : [1995]1SCR175 ; Union of India v. Kantilal Hematram Pandya, : (1995)ILLJ659SC ; Collector of Madras v. K. Rajamaickam, 1995 (2) SLR 26.

3. The respondent has thus committed no error in issuing the impugned notification declining to accept the plea of the petitioner for correction of his date of birth. The writ petition is thus seen to be without merit and is accordingly dismissed at the stage of admission. No orders as to costs.