

IN THE HIGH COURT FOR THE STATE OF TELANGANA

**AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 19821 OF 2023

Between:

1. Elpula Komuraiah, S/o. Elpula Lingaiah, Aged about 60 years, Occ. Ex. Coal Filler EC No.2098805, RK 5 INCLINE SRP AREA, R/o. H. No.8-1-134, Contractor Basti Bellampally, Mancherial District, TS, Erstwhile Adilabad District.
2. Elpula Ashish Kumar, S/o. Komuraiah, Aged about 22 years, Occ. Unemployee, Occupation : Unemployee, R/o. H. No.8-1-134, Contractor Basti Bellampally, Mancherial District, TS Erstwhile Adilabad District.

...PETITIONERS

AND

1. The Chairman and Managing Director, Singareni Collieries Company Limited CF26 + PV9, Singareni Bhavan, Niloufer Road, Red Hills, Near Lakdi Ka Pul Bridge, PO, Khairtabad, Hyderabad, Telangana - 500 004.
2. The Director, Personal Admn. Welfare (PAW), Singareni Collieries Company Limited Singareni Head Office, Kothagudem, Bhadradi Kothagudem District.
3. The General Manager (Per) Welfare and RC, Singareni Collieries Company Limited RK 5 INCLINE SRP AREA, Mancherial District, TS.
4. The Deputy General Manager, Singareni Collieries Company Limited, RK 5 INCLINE SRP AREA, Mancherial District, TS.
5. The Manager, RK 5 INCLINE SRP AREA, Singareni Collieries Company Limited, Mancherial District, TS.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of WRIT OF

MANDAMUS declaring the action of the respondent officials in issuing the impugned order vide ref. CRP/PER/WEL/DE/218 dated 14/01/2023 without considering the date of birth of the 2nd petitioner, who is dependant of 1st petitioner as per the SSC Certificate and birth certificate issued by the Bellampally Municipality dated 04/05/2023 is illegal, arbitrary and violation of not only the clauses 9.3.0, 9.4.0 and 9.5.0 of National Coal Wages Agreement, in violation of Article 14 of Constitution of India besides violation of principles of natural justice and consequently direct the respondent authorities to consider the petitioners case by considering the date of birth as per the SSC Certificate and Birth certificate issued by the Municipality of the 2nd petitioner and provide the employment to the 2nd petitioner under medical unfitness scheme.

I.A. NO: 1 OF 2023

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 direct the respondents to suspend the impugned order vide ref. CRP/PER/WEL/DE/218 dated 14/01/2023 and consider the case of the petitioners by considering the age of the 2nd petitioner as per the SSC Memo and Birth Certificate issued by the Bellampally Municipality, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI. KANDI RAMCHANDRA REDDY

**Counsel for the Respondents: SRI. P SRI HARSHA REDDY
(SC FOR SINGARENI COLLIERIES CO.LTD)**

The Court made the following: ORDER

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

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.19821 OF 2023

DATE: 30.03.2026

Between :

Elpula Komuraiah and another

... **Petitioner**

And

The Chairman & Managing Director, Singareni Collieries

Company Limited, CF26+PV9, Singareni Bhavan,

Niloufer Road, Red Hills, Near Lakdi Ka Pul Bridge,

PO, Khairtabad, Hyderabad, Telangana-500 004

and others

... **Respondents**

ORDER

**Heard Sri Kandi Ramchandra Reddy, learned
counsel appearing on behalf of the petitioners and Sri
P. Sri Harsha Reddy, learned Standing Counsel for
Singareni Collieries Company Limited appearing on
behalf of the respondents.**

2. The petitioners approached the Court seeking prayer as under:

"...to issue a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondent officials in issuing the impugned order vide ref. CRP/PER/WEL/DE/218 dated 14/01/2023 without considering the date of birth of the 2nd petitioner, who is dependant of 1st petitioner as per the SSC Certificate and birth certificate issued by the Bellampally Municipality dated 04/05/2023 is illegal, arbitrary and violation of not only the clauses 9.3.0, 9.4.0 and 9.5.0 of National Coal Wages Agreement, in violation of Article 14 of Constitution of India besides violation of principles of natural justice and consequently direct the respondent authorities to consider the petitioners case by considering the date of birth as per the SSC Certificate and Birth certificate issued by the Municipality of the 2nd petitioner and provide the employment to the 2nd petitioner under medical unfitness scheme and to pass...."

3. The case of the petitioners in brief as per the averments made in the affidavit filed by the petitioners in support of the present Writ Petition is as under:-

- i) The petitioner No.1 was employed as a Coal Filler at RK5 Incline of SRP Area under the respondent authorities and was terminated on 06.12.2013 on the ground of medical unfitness.
- ii) As per the National Coal Wage Agreement, the petitioner No.1's son i.e., petitioner No.2 was entitled to be kept on the live roster for dependent employment, as the petitioner No.2 had attained 12 years of age by the date of his father's termination.
- iii) The petitioner No.1 applied for providing dependent employment to his son. However, the respondents rejected the request vide proceedings dated 17.06.2021 without assigning reasons, and again vide proceedings dated 14.01.2023 on the ground that the son was below 12 years at the time of the first petitioner's medical invalidation. Aggrieved by the same, the petitioners approached this Court by filing the present writ petition.

PERUSED THE RECORD:



A) The relevant portion of the impugned proceedings of the respondent No.3 – GM(Per) Welfare & RC vide Ref: No. CRP/PER/WEL/DE/218 dated 14.01.2023, is extracted hereunder:

“Please refer to the Note cited above, wherein it was submitted for re-examining the case of Sri Elpula Komaraiah, EC No. 2098805, Ex-Coal Filler, RK-5 Incline, SRP Area to provide dependant employment to his son Sri Elpula Ashish Kumar, by considering his DOB as per SSC.

The matter has been examined and it is not feasible to consider the request of Sri Elpula Komaraiah. EC No.2098805, Ex-Coal Filler, RK-5 Incline, SRP Area to provide dependant employment to his son Sri Elpula Ashish Kumar, as he is below 12 years as on the date of medical invalidation of ex-employee.

Hence, it is requested to advise the concerned to arrange to inform the same to the claimant in writing with an advice to apply for alternative benefits i.e., for MMC or LSP, as per existing rules.

This issues with the approval of the Competent Authority.”

B) The relevant portion i.e., paragraph No.8 of the counter affidavit filed on behalf of the respondents is extracted hereunder:

"In reply to para no.7 of the affidavit, it is submitted that as per the service records of the respondent company, the date of birth of the petitioner no.2 is 23.08.2003 and accordingly to which at the time of medical invalidation of the respondent no. 1 i.e., as on 17.09.2013, the age of the petitioner no. 2 was only 10 years 1 month. Further, it is submitted that the petitioner no. 2 has passed SSC in March, 2020 and as per which his date of birth is 23.08.2001 i.e., a variation of two years. For keeping a minor male dependent's name on Live Roster, the age of the Minor dependent as per the service records at the time of medical invalidation of the employee would be taken into account and in case the employee submits any primary educational certificates in proof of his age, it would also be considered. In this instant case, the petitioner no. 1 after his medical invalidation has submitted proof of primary education i.e., Bonafide & Conduct certificate issued by Harsha Convent High School, Bellampalli. dated 09.01.2014 in which the date of birth of the petitioner no.2 is mentioned as 23.08.2003 (age of petitioner no.2 is 10 years 1 month as on date of medical invalidation of petitioner 1 i.e., 17.09.2013) and again after 9 months the petitioner no.1 has submitted another Bonafide & Conduct certificate issued by the same school on 19.09.2014

wherein the date of birth of the petitioner no.2 is mentioned as 23.08.2001, (age of petitioner no.2 is 12 years as on medical invalidation of petitioner 1 i.e., 17.09.2013) this clearly shows that the age of Sri Elpula Ashish Kumar S/o Elpula Komuraiah was increased by 2 years with a malafide intention to claim the benefit of MMC-MMD to his minor male dependent son. The petitioner no.1 while in service has entered the date of birth of petitioner no.2 as 23.08.2003 in his service records at the time of birth of petitioner no.2. Even during his entire period of service the petitioner no.1 has never complained of discrepancy in age/date of birth of his son. Now, the petitioner no.2 has passed his SSC in March, 2020 at the age of 18 years and claims that his date of birth is 23.08.2001 as per his SSC certificate and request to enter his name in the Live Roster and provide dependent employment. In view of the above, the request of the petitioner no. 1 was not considered for entering the name of his son, the petitioner no. 2 herein in Live Roster for providing dependent employment."

DISCUSSION AND CONCLUSION:

4. Learned counsel appearing on behalf of the petitioners mainly puts forth the following submissions:-

4.1 The request of the petitioners for providing dependent employment to petitioner No.2 had been rejected by the 2nd respondent without assigning any reasons, despite considering petitioner No.2's date of birth as reflected in the SSC Memo and the Birth Certificate issued by the Bellampally Municipality.

4.2 The impugned order dated 14.10.2023 of the 3rd respondent does not reflect any consideration of the request of the 1st petitioner for providing dependent employment to his son, i.e., petitioner No.2, duly taking into consideration the petitioner No.2's date of birth as per the SSC Memo and the Birth Certificate issued by the Bellampally Municipality.

4.3 The impugned order had been passed by the 3rd respondent mechanically, without application of mind and without assigning any reasons, except stating that petitioner No.2 was below 12 years of age as on the date of medical invalidation of petitioner No.1.

4.4 Since the impugned order of the 3rd respondent has been passed mechanically and erroneously, without

/

application of mind, petitioner No.2 is entitled for the relief as prayed for in the present writ petition.

Based on the aforesaid submissions, learned counsel appearing on behalf of the petitioners contended that the petitioner is entitled for the relief as prayed for by the petitioners in the present writ petition.

5. Learned Standing Counsel for Singareni Collieries Company Limited, appearing on behalf of the respondents, placing reliance on the averments made in the counter affidavit, in particular, paragraph No.8 (referred to and extracted above), contends that the petitioners are not entitled for grant of relief as sought for in the present writ petition since petitioner No.2 passed SSC in March 2020 at the age of 18 years. However, as per the SSC Certificate, petitioner No.2's date of birth is 23.08.2001, and therefore, the request of petitioner No.1 for entering the name of petitioner No.2 in the live roster for providing dependent employment was not considered.

6. A bare perusal of the record and the impugned order dated 14.01.2023 of the 3rd respondent clearly indicates that the reasons stated in paragraph No.8 of the counter affidavit filed on behalf of the respondents (referred to and extracted above) are not reflected in the impugned order dated 14.01.2023 issued by respondent No.3.

7. This Court opines that the case of the respondents cannot be developed by way of a counter affidavit, and the same has to be reflected in the impugned order issued by the 3rd respondent which, as borne on record, is not evident.

8. The judgment of the Apex Court in Mohinder Singh Gill and Another Vs. Chief Election Commissioner, New Delhi and Others reported in (1978) 1 SCC 405 and in particular para No.8 of the said judgment is extracted hereunder:-

8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get

validated by additional grounds later brought ,out. We may here draw attention to the observations of Bose J. in Gordhandas Bhanji

"Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to, do. Public orders made by public authorities are meant to have public effect and are intended to effect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."

Orders are not like old wine becoming better as they grow older:

9. On a perusal of the impugned proceedings dated 14.01.2023 issued by respondent No.3, this Court opines that the request of petitioner No.1 for providing dependent employment to his son, i.e., petitioner No.2, by considering his age as per the SSC marks memo and Birth Certificate, has not been examined in accordance to law and the impugned order had been passed mechanically, without application of mind in a routine casual manner, simply indicating that petitioner No.2 was below 12 years of age as on the date of medical invalidation of petitioner No.1.

Hence, this Court opines that the subject issue requires reconsideration by the 3rd respondent.

10. TAKING INTO CONSIDERATION:

a) The aforesaid facts and circumstances of the case,

b) The submissions made by the learned counsel appearing on behalf of the petitioners and the learned Standing Counsel for Singareni Collieries Company Limited appearing on behalf of the respondents,

c) The averments made in the counter affidavit filed on behalf of the respondents in particular, paragraph No.8, (referred to and extracted above),

d) The judgment of the Apex Court in Mohinder Singh Gill and Another Vs. Chief Election Commissioner, New Delhi and Others reported in (1978) 1 SCC 405 and in particular para No.8 (referred to and extracted above)

—

e) The discussion and conclusion as arrived at paragraph Nos.4 to 9 of the present order,

The writ petition is allowed, and the impugned order passed by respondent No.3 – GM (Per), Welfare & RC, vide Ref. No. CRP/PER/WEL/DE/218 dated 14.01.2023, is set aside. The matter is remitted to respondent No.3 to reconsider the request of petitioner No.1 for providing dependent employment to petitioner No.2, duly considering petitioner No.2's date of birth as reflected in the SSC Marks Memo and Birth Certificate, and pass appropriate reasoned orders in accordance to law and in conformity with the principles of natural justice by providing an opportunity of personal hearing to the petitioners and duly communicate the decision to the petitioners herein. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ

Petition, shall stand closed.

SD/-A. SREENIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Chairman and Managing Director, Singareni Collieries Company Limited CF26 + PV9, Singareni Bhavan, Niloufer Road, Red Hills, Near Lakdi Ka Pul Bridge, PO, Khairtabad, Hyderabad, Telangana - 500 004.
2. The Director, Personal Admn. Welfare (PAW), Singareni Collieries Company Limited Singareni Head Office, Kothagudem, Bhadradi Kothagudem District.
3. The General Manager (Per) Welfare and RC, Singareni Collieries Company Limited RK 5 INCLINE SRP AREA, Mancherial District, TS.
4. The Deputy General Manager, Singareni Collieries Company Limited, RK 5 INCLINE SRP AREA, Mancherial District, TS.
5. The Manager, RK 5 INCLINE SRP AREA, Singareni Collieries Company Limited, Mancherial District, TS.
6. One CC to SRI. KANDI RAMCHANDRA REDDY, Advocate [OPUC]
7. One CC to SRI. P SRI HARSHA REDDY, (SC FOR SINGARENI COLLIERIES CO.LTD) Advocate [OPUC]
8. Two CD Copies

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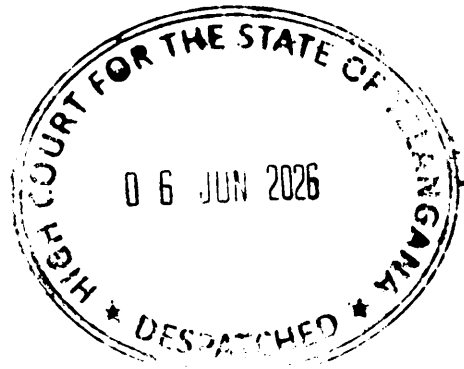
HIGH COURT

CC TODAY

DATED: 30/03/2026

ORDER

WP.No.19821 of 2023



ALLOWING THE WRIT PETITION
WITHOUT COSTS

(10)
Kpr
2/6/26