

... Petitioner(s).

... Respondent(s).

4. The facts lies in narrow compass. The petitioner was an employee of Bharat Coking Coal Limited. As per him, he was prematurely retired. As per him, his actual date of birth is 12.12.1962. The respondent wrongly recorded his date of birth as 24

years as on 14.05.1986, which transforms to 14.05.1962. Thus, the petitioner was made to superannuate w.e.f. 31.05.2022 on attaining the age of 60 years. The petitioner therefore challenged the wrong recording of his date of birth before this Court in W.P.(S) No.254 of 2021 (**Jaglal Prasad Ram Vs. M/s Bharat Coking Coal Ltd.**). A Co-ordinate Bench of this Court allowed the said writ petition vide judgment dated 24.01.2024 by setting aside the impugned letter dated 13/16.11.2020, whereby the respondents had assessed the date of birth of the petitioner as 14.05.1962. In the meantime, the petitioner attained his actual age of superannuation as per his actual date of birth, thus he prays salary for the period of seven months i.e. from 01.06.2022 to 31.12.2022 as his actual date of superannuation as per the correct date of birth is 31.12.2022.

5. By virtue of the order passed by this Court in W.P.(S) No.254 of 2021, the date of birth of the petitioner for all purpose should be recorded as 12.12.1962.

6. Considering the date of birth of the petitioner as 12.12.1962, the date of superannuation of the petitioner would be 31.12.2022 but the petitioner was forced to superannuate on 31.05.2022 i.e. seven months prior to his actual date of superannuation.

7. Admittedly, by allowing the writ petition W.P.(S) No.254 of 2021 the date of birth of the petitioner has been accepted to be 12.12.1962. The aforesaid order of this Court has attained finality as the same has not been questioned before any higher Court. It is the act of the respondent-BCCL which led to the premature superannuation of the petitioner, for which no fault can be fastened upon the petitioner. It is due to this act, the petitioner was forced to superannuate prematurely. Thus, it is the respondents, who had deprived the petitioner from working from 01.06.2022 till 31.12.2022 and also deprived him from the monitory gains i.e. salary and other benefits.

8. An authority or a person who is at fault cannot be allowed to reap any advantage of his wrong act. Neither a wrong act of an authority deprive a person from his legitimate claim. Since there is no fault on the part of the petitioner and it is the respondents, who have faulted, the petitioner is entitled for the salary and all other consequential benefits for the period from 01.06.2022 till 13.12.2022.
9. The respondents are thus directed to pay the salary of the petitioner and all other consequential benefits for the period from 01.06.2022 to 31.12.2022.
10. With the aforesaid observations and directions, this writ petition is allowed.
11. Pending I.A.s, if any, stands disposed of.

(ANANDA SEN, J.)

17th March, 2026
Madhav/-
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