

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 4387-4388/2019  
(ARISING FROM SLP(C) NOS.2592-2593/2018)

FACTORY MANAGER KIRLOSKAR BROTHERS LTD.

APPELLANTS(S)

VERSUS

LAXMAN

RESPONDENT(S)

O R D E R

1. Leave granted.
2. There was a dispute as to the date of birth in the service record of the respondent. The date of birth recorded was 01.01.1956 on the basis of which he was retired on 31.01.2014. The respondent, in the month of January, 2014, submitted a representation that as per his date of birth he should have been retired on 31.12.2014. He claimed his date of birth to be 01.12.1956.
3. We have heard learned counsel for the parties and perused the original file produced by the appellant/employer and the various other documents placed on record.
4. The case set up by the employee/respondent himself is that in the year 2003 a list was published indicating date of birth of the

various employees and the representations were invited. The case of the employee is that he has submitted a representation in the year 2003 for correction in the date of birth from 01.01.1956 to 01.12.1956. However, the employer had emphatically denied the same and contended in the reply that no such representation had been received, be that as it may.

5. The affidavit filed by the employee indicated that he was well aware that his date of birth had not been corrected by the employer on the basis of representation that was allegedly filed in the year 2003. Thus, it was not open to him to have waited for ten years i.e. till his date of retirement and to file a representation again and to approach the Labour Court. He slept over his right and it is also doubtful whether he had submitted representation. Even if he has submitted his representation, he could not have waited for ten years for seeking correction in the date of birth after his retirement. A perusal of the record also indicated that once the respondent himself had declared his date of birth as 01.01.1956. There is no document in service book indicating that he has ever declared his date of birth as 01.12.1956

6. Consequently, we find that the indulgence made by the Labour Court, learned Single Judge and Division Bench of the High Court was wholly inappropriate. The employee was not entitled for any relief whatsoever. In the peculiar facts and circumstances of the case, we set aside the impugned orders and allow these appeals.

7. Pending application(s), if any, shall stand disposed of.

.....J.  
[ARUN MISHRA]

.....J.  
[NAVIN SINHA]

NEW DELHI;  
APRIL, 25, 2019.

ITEM NO.7

COURT NO.4

SECTION IV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 2592-2593/2018

(Arising out of impugned final judgment and order dated 06-09-2017 in WP No. 5613/2017 03-11-2017 in WA No. 934/2017 passed by the High Court of M.P. at Indore)

FACTORY MANAGER KIRLOSKAR BROTHERS LTD.

PETITIONER(S)

VERSUS

LAXMAN

RESPONDENT(S)

Date : 25-04-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA  
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Anupam Lal Das, Sr. Adv.  
Mr. Ravi Bhardwaj, Adv.  
Mr. Anirudh Singh, Adv.  
Mr. Rahul Pratap, AOR

For Respondent(s) Mr. Kuldeep Bhargava, Adv.  
Mr. Sumit Kumar Sharma, Adv.  
Mr. Niraj Sharma, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(JAGDISH CHANDER)  
COURT MASTER

(Signed order is placed on the file)