

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (S/B) NO. 700 OF 2022

21ST AUGUST, 2023

BETWEEN:

Laxmi Lal Sah Petitioner.

And

Director of Treasuries, Pension & others Respondents.

Counsel for the Petitioner : Mr. Pankaj Sharma, learned counsel.

Counsel for the Respondents : Mr. K.N. Joshi, learned Deputy Advocate General.

The Court made the following:

JUDGMENT:(per Hon'ble The Chief Justice Sri Vipin Sanghi)

Issue notice. Learned counsel appears and accepts notice on behalf of the respondents.

2. The petitioner has preferred the present writ petition to seek the following reliefs:-

"I. Issue a writ, order or direction in the nature of certiorari declaring the para 5 of the Government order dated 08.10.2009 unconstitutional, unreasonable, arbitrary and against the mandate of law and to quash the same by which para 5 of the said Government order is clearly stipulates that in the pension form, if the date of birth of the family pensioner is already mentioned more than the age of the pensioner, it will be recognized only, after calling the entire records from the respondents along with its effect and operation also, keeping in view the facts highlighted in the body of the petition or to mould the relief appropriately (contained as Annexure No.1 to the writ petition).

II. Issue a writ, order or direction in the nature of certiorari quashing the orders dated 25.09.2020 and

21.01.2021 passed by respondents no.1 & 2 (contained as Annexure No.9 & 10 to the writ petition).

III. Issue writ, order or direction in nature of mandamus to direct the respondent authority to repay/ refund the amount i.e. Rs.5,02,167/- (Rupees Five Lakhs Two Thousand One Hundred Sixty Seven only) which was earlier deposited by the petitioner.

IV. Issue writ, order or direction in nature of mandamus to direct the respondent authority to pay the family pension to the petitioner treating the date of birth of the petitioner as 01.07.2019, as the said order is original date of birth of the petitioner”.

3. The primary relief sought by the petitioner is for the change of his date of birth in the official records. The date of birth of the petitioner recorded in the records of the Government is 12.02.1938. He, however, claims that his actual date of birth is 01.07.1919. The petitioner places reliance on the date of birth recorded in the Aadhar card, PAN card, Voter ID card, and the Family Register.

4. We do not find any merit in this petition whatsoever.

5. It is well settled that all such corrections can be sought only at the stage when the incorrect entry is claimed to have been made, and not after the passage of time. Reliance placed on the date of birth recorded in the Aadhar card, PAN card, Voter ID card, and the Family Register, is completely misplaced, since all these documents record the date of birth of the petitioner, as provided by him.

6. We do not find any merit in this petition, and the same is, accordingly, dismissed.

7. Pending application, if any, also stands disposed of.

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 21st August, 2023

NISHANT