

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1142 of 2014

In
Civil Writ Jurisdiction Case No. 1992 of 2014

=====

Shankar Das, S/o. Kali Das, resident of Bhawar Pokhar ward office 39,
Patna Municipal Corporation, P.S. Pirbohar, district- Patna and Permanent
address of resident of village- Kharwani, P.S. Raj Dhanwar, District Giridih
(Jharkhand)

.... Appellant

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government
of Bihar, Patna
3. The Patna Municipal Corporation, through its Mayor
4. The Mayor Patna Municipal Corporation, Patna
5. The Commissioner Municipal Corporation, Patna
6. The Executive Officer, Patna Municipal Corporation, Nutan Rajdhani
Circle, Patna

.... Respondents

=====

Appearance :

For the Appellant : Mr. Ajay Kumar Thakur, Adv.
Mr. Amir Alam, Adv.

For the Respondents : Mr. Mohan Kumar Singh, SC 5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 11-02-2015 The appellant joined the service of the Patna
Municipal Corporation, 3rd respondent herein, as a
worker on 28.5.1977. Thereafter, he was appointed on
regular basis on 1.4.1985 and on 7.9.1987, he was
designated as Safai Supervisor. The 3rd respondent
informed the appellant through Memo. No.1253 dated
2.12.2013 that he would retire from service with effect
from 31.1.2014 on attaining the age of superannuation.

Challenging the said Memo., the appellant filed C.W.J.C. No.1992/14. Therein he pleaded that his date of birth is 25.1.1966 and that he is entitled to remain in service till he attains the age of sixty years from that date i.e. till 2026.

Learned single Judge dismissed the writ petition through order dated 7.2.2014, taking note of the fact that the date of birth as mentioned in the service book remained intact. Hence, this Appeal.

Heard Shri Ajay Kumar Thakur and Shri Amir Alam, learned counsel for the appellant, and Shri Mohan Kumar Singh, learned counsel for the respondents.

There is some dispute as to when the appellant first entered the service of the Corporation. Even if we take into account the version put forward by the appellant that he entered the service of the Corporation on 25.1.1966, the fact remains that the date of birth that was entered in the service book was 16.1.1954. If the appellant was of the view that the said date of birth is not correct, he ought to have taken necessary steps shortly after entering the service. It was only after the appellant was served with the notice under

Memo. 1253 dated 2.12.2013 informing the date of retirement, that he submitted a representation stating that his date of birth is 25.1.1966.

We do not find any basis for such a statement. At any rate, it is fairly well settled that the date of birth as entered in the service book would be a determining factor for retirement of an employee and any application for correction thereof should be filed well in advance. We, therefore, do not find any basis to interfere with the order under appeal.

The writ appeal is accordingly dismissed.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(Vikash Jain, J)

K.C.jha/-
N.A.F.R.

U			
---	--	--	--