NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No. 5552 of 2011

Triveni Ram, aged about 55 years, S/o Shri Ramlal, Village Govindpur, Tehsil Surajpur, District Surguja, Chhattisgarh.

---- Petitioner

Versus

1. South Eastern Coalfields Limited, Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur, Chhattisgarh
2. Chief General Manager, South Eastern Coalfields Limited, Birsrampur Area, District Surguja, Chhattisgarh
3. Personnel Manager/Deputy Personal Manager, Kumda Colliery, Bisrampur Area, District Surguja, Chhattisgarh.

---- Respondents

For Petitioner : None.
For Respondents/SECL : Shri Sudhir Bajpai, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

31/08/2015

1. Learned Counsel for the Respondent-SECL submits that the Petitioner was appointed as far back as 15.5.1976 and on his own statement, his date of birth was recorded after assessment by a Medical Board. It is evident from his own pleadings that he was made aware of his date of birth recorded in service book on 27.8.1987 duly signed by him. He did not lodge any protest. He moved this Court in Writ Petition (S) No. 2139 of 2011 long after his appointment in 1976 and then withdrew it. Reliance on Implementation Instruction No. 76 is completely misplaced and issues with regard of date of birth cannot be raised after 25 years of service for which he relies on an order in Writ Appeal No. 399 of 2014 (South Eastern Coalfields Ltd. v. Sampat Kumar Chauhan) which relies on several precedents, affirmed in Special Leave Petition (Civil) No. 19199 of 2015 on 20.7.2015.

2. Considering the settled judicial view that belated claims for correction of date of birth are not to be entertained at the fag end of the service career and the aforesaid orders of the Supreme Court, this Court is not persuaded to entertain the writ application.

3. The writ application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Subbu