

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.2160 of 2015**

Harikeshwar Ram, S/o Late Bhikham Ram, aged about 57 years,
Telephone Operator, South Eastern Coalfields Limited, GM Office
Head Quarter, Chirmiri, P.S. Chirmiri, District Korea, Chhattisgarh

---- Petitioner

versus

1. South Eastern Coalfields Ltd. through Chairman cum Managing Director, South Eastern Coalfields Ltd., Seepat Road, Bilaspur, Chhattisgarh
2. The Chief General Manager, South Eastern Coalfields Ltd., Chirmiri Area, Chirmiri, District Korea, Chhattisgarh
3. Area Personnel Manager, Chirmiri Area, South Eastern Coalfields Limited, Chirmiri Area, District Korea, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Chandresh Shrivastava, Advocate
For Respondents/SECL	:	Shri K.K. Shrivastava, Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****31/8/2015**

1. Heard Learned Counsel for the Petitioner and the Respondents SECL.
2. Learned Counsel for the Petitioner submits that after the Petitioner represented on 22.11.2006 his date of birth was corrected as evident from the seniority-list.
3. Learned Counsel for the Respondents SECL submits that the Petitioner was appointed in 1976. His date of birth as recorded in Form B Register duly signed by him was 15.7.1955. Mere correction in the seniority-list is of no consequence unless correction had been made in the statutory Register. Any entry of date of birth in the seniority-list has no authenticity and the date of birth cannot be said to have been corrected

unless it is done in the appropriate manner. If the Petitioner relies on any document which were available with him when entries were made in statutory Form B Register, to justify any entry of date of birth in the seniority-list, the onus lies on him why did he not produce them at the time of appointment and why did he not object to the same at the time of signing the Form B Register in confirmation.

4. The Petitioner appears to have moved this Court on 14.5.2015 barely two months before his superannuation on 31.7.2015. The date of birth of a person is a question of fact best known to him alone. It is not the case of the Petitioner that his date of birth is a figment of imagination of the employer. Obviously, it is based on the documents furnished by the person at the time of his appointment. The statutory presumption to entries in Form B Register has already been considered in Writ Appeal No.399 of 2014 (South Eastern Coalfields Limited and others v. Sampat Kumar Chauhan) relying on (2005) 11 SCC 477 (State of Uttaranchal and others v. Pitamber Dutt Semwal) affirmed in Special Leave Petition (Civil) No.19199 of 2015 dated 20.7.2015.

5. The writ application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE