

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1969 of 2015**

Balgovind, aged about 57 years, S/o Sitaram, by occupation Assistant Foreman (premature retired) R/o Staff Quarter, Domanhills, Thana Chirmiri, Tahsil Khadgawa, District Koriya.

---- **Petitioner****Versus**

1. South Eastern Coalfields Limited, Through the Chairman-cum-Managing Director, South Eastern Coalfields Limited (in short SECL) Seepat Road, Bilaspur.
2. The Director (Personnel) SECL Seepat Road, Bilaspur Chhattisgarh.
3. The Chief General Manager, SECL Chirmiri Area District Koriya Chhattisgarh.
4. The Deputy Regional Manager, SECL Domanhills Colliery Group, District Koriya.

---- **Respondents**

For Petitioner	:	Shri Parag Kotecha, Advocate.
For Respondents/SECL	:	Shri H.B.Agrawal, Senior Advocate with Shri Ravindra Agrawal, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****31/08/2015**

1. Heard Learned Counsel for the Petitioner and Learned Senior Counsel for the Respondents-SECL.
2. Learned Counsel for the Petitioner submits that he was appointed on 15.4.1980. His date of birth was wrongly recorded as 13.4.1955 in place of 5.4.1958. In 2013, the Petitioner was made aware of the wrong entry and he represented on 9.12.2013. The Respondents ought to have referred his case to the Age Determination Committee under the Implementation Instruction No. 76.
3. Learned Senior Counsel for the Respondents-SECL submits from the writ petition that the Petitioner was made aware of his date of birth in service

record as 13.4.1955 as far back as 13.9.1987. He represented 23 years later on 9.12.2013. He has already superannuated in accordance with the recorded date of birth as 13.4.1955. In support of his submission that a belated claim for correction of date of birth at the fag end of the service career raised 23 years later should not be entertained, he relies on a Division Bench decision decision in Writ Appeal No. 399 of 2014 (South Eastern Coalfields Ltd. v. Sampat Kumar Chauhan), affirmed in Special Leave Petition (Civil) No. 19199 of 2015 dated 20.7.2015.

4. Having considered the submissions and the settled law that belated claims for correction of date of birth are not to be entertained, if the Petitioner seeks to rely on a reference to the Age Determination Committee, he has to offer an explanation for having raised the issue 23 years later barely two years before his superannuation. There is no explanation that even though he was made aware of the recorded date of birth on 13.9.1987, the entries signed by him, why he represented as late as 2013.

6. We find no merit in the writ application. It is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE