NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 375 of 2015

Holiram son of Late Ronha aged about 56 years, Working as Gangman in P WD R/o village Bodhapara, Post Kanteli, Tahsil and District Mungeli, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through: Secretary, Department of Public Works, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Engineer-in-Chief, PWD Sirpur Bhawan Civil Line, Raipur Chhattisgarh.
3. Chief Engineer, PWD Division Bilaspur District Bilaspur Chhattisgarh.
4. Executive Engineer, PWD Division Mungeli District Mungeli Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ashok Patil and Shri Sanjeev Kumar Sahu, Advocates
For Respondents/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

04/08/2015

1. The present appeal arises from order dated 22.7.2015 dismissing Writ Petition (S) No. 1810 of 2015. The Learned Single Judge declined to entertain challenge for correction of date of birth as highly belated in nature.

2. Learned Counsel for the Appellant submits that the Learned Single Judge erred by not adequately noticing Annexure P-2 to the Writ Petition dated 10.4.2015, written by the Appellant to the Executive Engineer referring to a letter of the Sub Divisional Officer that the request of the Appellant had been forwarded by him as far back as 2004. Reliance was placed in support of the submission on (2014) AIR SCW 2634 (M/s. Bharat Coking Coal Ltd. v. Chhota Birsa Uraon).

3. Learned Counsel for the State has opposed the appeal.

4. We have considered the submissions on behalf of the Appellant and find no reason to interfere with the order under challenge. Reference to Annexure P-2 dated 10.4.2015 is apparently a desperate attempt by the Appellant to resurrect a cause of action where none existed. If his papers accompanied by affidavit had been duly forwarded as far back as 2004, the Appellant owes an explanation why he was not able to furnish a specific date with regard to the same. Alternately, he also owes an explanation that why he kept quiet for 11 years thereafter without pursuing any legal remedies.

5. The Learned Single Judge has rightly held that issues with regard to correction of date of birth cannot be raised after an inordinately long period of time. It has been repeatedly held that correction of date of birth raised belatedly has serious repercussions with regard to other employees in service who naturally get prejudicially affected when their career advancement gets stalled.

6. Reliance on Chhota Birsa Uraon (supra) is completely misconceived. It related to a scheme floated by the Coal India Limited for correction of date of birth. In that particular case, while the other corrections with regard to parentage etc. at the request of the employee had been made, the request with regard to correction of date of birth remained unattended and on which basis, relief was granted.

7. The appeal is dismissed.

Sd/- Sd/-

(Navin Sinha) (P. Sam Koshy)
CHIEF JUSTICE **JUDGE**

Subbu