

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1908 of 2013**

Feru Lodhi S/o Hira Age about 59 years, R/o Domurdhi, P.O. Itar, Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh P.S. Khairagarh.

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

1. State of Chhattisgarh, Through the Secretary, PW Department, Dau Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Chief Engineer, PWD Sirpur Bhavan, Raipur, Chhattisgarh.
3. Executive Engineer, PWD Khairagarh Division, Khairagarh, District Rajnandgaon, Chhattisgarh.
4. Sub Division Officer, PWD Sub Division, Khairagarh, District Rajnandgaon, Chhattisgarh.
5. Superintendent Engineer, PWD Durg, Division Durg, Chhattisgarh.

---- **Respondents**

For Petitioner	:	None.
For Respondents/State	:	UNS Deo, Government Advocate

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

1. No one appears for the Petitioner. Learned Counsel for the State points out that the Petitioner has perhaps lost interest in the matter as he has already superannuated.
2. The Petitioner was appointed in 1977 in the Public Works Department. It is his case that he subsequently came to know that his date of birth was wrongly mentioned as 1950 in place of 1953. He represented, after which the authorities considered his representation and found no merit in the same.
3. Learned Counsel for the State relies on the pleadings in paragraph 2 of the counter-affidavit to the effect that the date of birth recorded in his service

book was 1950. It was duly verified by the Sub Engineer on 4.11.1979. A belated claim on disputed fact was sought to be raised just prior to superannuation on 30.6.2012.

4. There is no rejoinder to the counter-affidavit. The Courts have consistently deprecated belated claims for correction of date of birth at the fag end of the service career. The Respondents have further relied on Rule 85 and 85 of the Financial Code, Part I that such claims are not to be entertained belatedly and unless a foundation is laid for clerical errors in entry contrary to documents filed as considered in (2011) 9 SCC 664 (State of Madhya Pradesh v. Prem Lal Shrivastava) at paragraphs 12, 13 and 14.

5. There is no merit in the writ application. It is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE