

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3609 of 2015**

- Lakhan S/o Budga, Aged About 57 Years Loader At Sub Area Bagdeva S.E.C.L. Korba, R/o Qtr. No. 43/7 C/o Water Tank, Bankimongra, P.S. Bankimongra, Civil & Revenue District Korba Chhattisgarh

---- Petitioner**Versus**

1. South Eastern Coalfield Limited Head Office At Seepat Road, Bilaspur Through Its Chairman Cum Managing Director, District Bilaspur Chhattisgarh
2. The Chief General Manager, South Eastern Coalfield Limited, Seepat Road, District Bilaspur, Chhattisgarh
3. The Chief General Manager, South Eastern Coalfield Limited, Korba Area, District Korba Chhattisgarh
4. The Chief Personnel Manager, South Eastern Coalfield Limited, Korba Area, District Korba Chhattisgarh
5. The Chief Manager, Personnel/Regional Personnel Manager, S.E.C.L. Korba Area, District Korba Chhattisgarh
6. The Personnel Manager, Bagdeva Project, S.E.C.L. Korba, District Korba Chhattisgarh
7. Deputy Chief Manager, Bagdeva Sub Area S.E.C.L. Korba, District Korba Chhattisgarh

---- Respondent

For Petitioner : Shri A.S. Rajput, Advocate.
For Respondents : Shri Govind Dewangan, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**C A V Order****Passed on : 21/12/2015**

1. In this petition under Article 226 of the Constitution of India the petitioner is challenging the order dated 14.3.2014 (Annexure-P/7) whereby the competent authority of the respondent/SECL has informed him that on attaining the age of superannuation, he would be retiring on 31.3.2014. The petitioner has also prayed that his date of birth should be corrected in his service record as 9.3.1954 instead of 9.3.1957 and all consequential benefits be granted to him.
2. It is argued that the petitioner was appointed on the post of Loader on 9.3.1984 and at that time, his date of birth was recorded as 9.3.1957. In the Identity Card issued by the SECL and the Pan Card issued by the Income Tax Department also date of birth was mentioned as 9.3.1957. However, by the impugned communication the petitioner has been informed that his date of birth is 9.3.1954, therefore, he would be retiring at the end of March, 2014.
3. It is settled law that correction in the recorded date of birth should not be allowed at the fag end of service. {See : **U.P. Madhyamik Shiksha Parishad and others Vs. Raj Kumar Agnihotri**, (2005) 11 SCC 465}
4. In the matter of **SECL & Others Vs. Sampat Kumar Chauhan** {Writ Appeal No.399/2014, decided on 27.2.2015} the Division Bench of this Court has also enunciated the said legal position. This order has been affirmed by the Supreme Court in SLP(Civil) No.19199/2015.
5. In the case at hand, the impugned communication was issued on 14.3.2014, however, the writ petition was preferred on 30.9.2015 i.e. after about one and half year. Thus, the petitioner has not assailed

the communication during his service period but has chosen to file a writ petition after his retirement. Therefore, no interference can be made at this stage in view of the law settled by the Supreme Court in the matter of **Raj Kumar Agnihotri** (Supra).

6. The writ petition is accordingly dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve