

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

W.P.(C).No.10700 of 2014 (J)

PETITIONER(S):-

K.K. SOBHANA [KINATINKARA], W/O.MADHAVAN, AGED 55 YEARS,
JUNIOR ENGINEER,
KELTRON COMPONENT COMPLEX LTD,
KELTRON NAGAR, P.O. KALLIASSERY, KANNUR DISTRICT.

BY ADV. SRI.M.P.VJAYAN.

RESPONDENT(S):-

1. KELTRON COMPONENTS COMPLEX LTD.,
REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR,
KELTRON NAGAR P.O., KALLIYASSERY,
KANNUR DISTRICT, PIN - 670 562.
2. THE GENERAL MANAGER,
KELTRON COMPONENTS COMPLEX LTD., KELTRON NAGAR P.O.,
KALLIYASSERY, KANNUR DISTRICT, PIN - 670 562.
3. THE SENIOR MANAGER,
KELTRON COMPONENTS COMPLEX LTD, KELTRON NAGAR P.O.,
KALLIYASSERY, KANNUR DISTRICT, PIN - 670 562.

R1 TO R3 BY STANDING COUNSEL SMT.M.A.ZOHRA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBIT:-

- EXT.P1. TRUE COPY OF THE ORDER ISSUED BY THE CHIEF REGISTRAR (BIRTHS AND DEATHS) AND DIRECTOR OF PANCHAYATH TO ISSUE FRESH BIRTH CERTIFICATE.
- EXT.P2. TRUE COPY OF THE BIRTH CERTIFICATE DATED 23/12/2013 ISSUED BY THE REGISTRAR OF BIRTH DEATH AND MARRIAGE CANTONMENT BOARD, KANNUR.
- EXT.P3. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT COMPANY FOR THE CHANGE OF THE ENTRY OF DATE OF BIRTH.
- EXT.P4. TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT REJECTING THE APPLICATION FOR THE CHANGE OF DATE OF BIRTH IN THE SERVICE BOOK OF THE PETITIONER.

RESPONDENT(S)' EXHIBITS:-

- EXT.R1(a) TRUE COPY OF THE SSLC BOOK SUBMITTED BY THE PETITIONER.
- EXT.R1(b) TRUE COPY OF RELEVANT PAGES OF THE STANDING ORDERS OF THE COMPANY.
- EXT.R1(c) TRUE COPY OF G.O.(P) NO.45/91/P&ARD DATED 30.12.1991.

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.10700 of 2014-J

Dated this the 28th day of October, 2015

JUDGMENT

The petitioner, on the verge of retirement, seeks correction of date of birth in the service records, so as to continue in employment.

2. The petitioner, admittedly, was appointed in the respondent on 14.07.1978. She declared her date of birth to be 20.10.1957, as is indicated in Exhibit R1(a), the Secondary School Leaving Certificate [for brevity "SSLC"]. The petitioner contends that, subsequently she came to know that her actual date of birth is 28.05.1959. In such circumstance, she is said to have initiated proceedings for correction of the date of birth and for correction of name. By Exhibit P1 order of the Chief Registrar [Births and Deaths] and Panchayat Director, the name was directed to be corrected. A fresh birth certificate was also issued by the Registrar of Births, Deaths & Marriages, Cannanore, evidenced at Exhibit P2. The petitioner, on the strength of Exhibit

P2, sought for correction of the date of birth in the service records by letter dated 24.12.2013, which is rejected by the respondent by Exhibit P4 dated 25.03.2014. The petitioner filed the above writ petition seeking correction of date of birth in her employment records.

3. As was earlier noticed, the respondent had accepted the date of birth as declared in the SSLC, produced as Exhibit R1(a). The Standing Orders applicable to the petitioner, extract of which is produced as Exhibit R1(b), specifically deals with the date of birth of its employees and it states that every employee is required to furnish proof of his/her date of birth at the time of his/her appointment. It is also categorically stated that the date of birth once recorded would not be altered except in the case of clerical errors.

4. The respondent being a public sector undertaking of the State, is bound by the Government Orders issued and the Government Order with respect to date of birth correction is Exhibit R1(c). Exhibit R1(c) took into account the various applications received from employees for correction of date of birth. By the above Government Order, it was clearly stipulated

that an opportunity shall be given to an employee to make an application for correction of date of birth only within five years of his/her entry into service. Even in the case of those persons who had already crossed the limit of five years mentioned above, one year time from the date of that order was granted; subject, however, to the condition that the application is made two years before the retirement date. The petitioner entered into service in 1978 and the above Government Order was dated 30.12.1991. Even going by the averments of the petitioner, the petitioner first initiated proceedings for change of date of birth in the year 2008, as is indicated in Exhibit P1. The petitioner is said to have received the correction only in the year 2013. In such circumstance, the application of the petitioner is grossly delayed. The petitioner cannot have any claim for correction of date of birth.

The writ petition is dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vkul/-

[true copy]