

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Revision No.3851 of 2015 (O&M)

Date of decision: 29.5.2015

Ramesh Chand

..... Petitioner

Versus

The Collector/Deputy Commissioner and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vivek Goyal, Advocate, for the petitioner.

RAJESH BINDAL, J

Challenge in the present petition is to the orders passed by the learned courts below, whereby, the application filed by the petitioner under Order 39 Rules 1 & 2 CPC was dismissed.

The petitioner, who is working as a Gram Sachiv, has filed the suit for declaration and mandatory injunction claiming that his date of birth mentioned in the service record as 4.5.1957 was not correct. His actual date of birth is 11.12.1958. Correction thereof was prayed for. As an interim measure, restrain was prayed for from retiring the petitioner on attaining the age of superannuation as per the date of birth mentioned in the record. Both the courts below did not find any merit in the interim prayer made by the petitioner. It was noticed that as per the service rules, an employee could make an application for change of date of birth within a period of two years from the date of joining. In the case in hand, the petitioner filed the suit on 20.12.2014 and is going to retire on 31.5.2015. The courts have further observed that the balance of convenience is not in favour of the petitioner, as in case, he succeeds in suit, he can very well be compensated. I do not find any error in the reasons recorded.

The petition is dismissed.

**(RAJESH BINDAL)
JUDGE**

29.5.2015

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