

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

LPA No. 594 of 2015 (O&M)

DATE OF DECISION : 22.04.2015

Randhir Singh

.... APPELLANT

Versus

State of Haryana and another

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Jagtar Kureel, Advocate,
for the appellant.

* * *

SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 08.12.2014 passed by the learned Single Judge, whereby the writ petition (CWP No. 25081 of 2014) filed by the appellant seeking quashing of the communication dated 23.07.2014 (Annexure P-5) rejecting his prayer for correction of his date of birth in his service record has been dismissed, while observing as under :-

“At the time of entry into service, the petitioner declared his date of birth as 20.4.1957. The change is sought to be claimed from 20.4.1957 to 10.8.1959. On the face of it, such a claim deserves to be dismissed on account of delay and laches only in approaching the court for the relief claimed. To cover up the delay, learned counsel for the petitioner submitted that he had filed a representation for getting the change effected on 21.2.1991 and the same remained

pending. The fact remains that even the petitioner never pursued his claim for all this period and got a communication from the authorities while filing fresh representation on 17.6.2014 mentioning that he had earlier filed representations on 21.2.1991, 27.2.1996 and 10.9.1996. There is nothing on record to suggest that those representations were ever sent by the petitioner. These may have been mentioned in the representation now filed.”

Though there is delay of 110 days in filing the instant appeal, and the appellant has filed an application (CM No. 1212-LPA of 2015) for condoning the delay, yet we have heard learned counsel for the appellant on merits and have gone through the order passed by the learned Single Judge.

In the facts and circumstances of the case, we are not inclined to interfere with the order passed by the learned Single Judge, as the appellant has filed representation for correction of his date of birth in his service record, at the fag end of his service career.

Learned counsel for the appellant argued that the appellant was appointed on the post of Clerk on 20.09.1989 and the first representation was filed by him on 21.02.1991 followed by two other representations on 27.02.1996 and 10.09.1996. When those representations were not decided, the appellant filed the final representation on 17.06.2014, which has been rejected by the authorities. The learned Single Judge has considered this fact and found that there is no material on record, which indicates that earlier the appellant had filed any representation. Even otherwise, after the alleged representation filed by appellant in the year 1996, he remained silent for

about 18 years. This fact further indicates that at no point of time any representation was made by the appellant. It is a cooked up story only with an object to file the writ petition. In these facts, we do not find any illegality in the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 22, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE