

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.449 of 2015**

Balgovind, aged about 57 years, S/o Sitaram, by Occupation Assistant Foreman (Premature Retired), R/o Staff Quarter, Domanhills, Thana Chirmiri, Tahsil Khadgawan, District Koriya

---- Appellant**versus**

1. South Eastern Coalfields Limited, through the Chairman-cum-Managing Director, South Eastern Coalfields Limited (in short SECL), Seepat Road, Bilaspur
2. The Director (Personnel), S.E.C.L., Seepat Road, Bilaspur, Chhattisgarh
3. The Chief General Manager, S.E.C.L., Chirmiri Area, District Koriya, Chhattisgarh
4. The Deputy Regional Manager, S.E.C.L., Domanhills Colliery Group, District Koriya

---- Respondents

For Appellant	:	Shri Parag Kotecha, Advocate
For Respondents/SECL	:	Shri H.B. Agrawal, Senior Advocate with Shri Shashi Kushwaha, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Deepak Gupta, Chief Justice****14.9.2016**

1. This appeal is directed against the judgment dated 31.8.2015 passed in Writ Petition (S) No.1969 of 2015 by Learned Single Bench of this Court, whereby the petition has been rejected as being belated.
2. Main reliance has been placed by Learned Counsel appearing for the Appellant on the judgment of the Apex Court in **Bharat Coking Coal Limited v. Chhota Birsa Uranw, (2014) 12 SCC 570**. In the case before the Apex Court, in the record of the company itself, there were two dates of birth, one on the basis of Mining Sardarship and other on the basis of the entry in the form. Therefore, there were two dates of birth on the record of the company itself. The Petitioner raised this plea for the first time in the year 1987 and the writ petition was filed in 2007. At this time, the Petitioner was informed that he was going to

be retired. The representation of the Petitioner was rejected in 2006 and thereafter he filed the writ petition in the year 2007.

3. As far as the present case is concerned, the Petitioner was informed in the year 1987 that his date of birth as correctly recorded is 13.4.1955. He made no representation till the year 2013. He was superannuated from service on 30.4.2015 and thereafter he filed the writ petition. Each case has to be decided on its own facts. As far as the present case is concerned, we have no hesitation to hold that Learned Single Judge was fully justified in holding that the claim of the Petitioner is highly belated and, therefore, the instant appeal is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE