

Sr. No. 132

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.13077 of 2016 (O&M)

Date of Decision: 08.07.2016

Smt. Bala Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

It has been averred that the petitioner was initially appointed as part-time Sweeper under the State Education Department on 03.03.1992. At the stage of initial engagement name of the petitioner had been sponsored from the Employment Exchange.

Counsel submits that at the stage of consideration of the claim of the petitioner for regularization in service, her exact date of birth was to be ascertained but the record in the employment exchange only reflected the year of birth as 1955 but not the precise date of birth. Faced with such a situation, the Head Master of the School where the petitioner was serving had requested the Chief Medical Officer, Sonapat to determine the age and date of birth of the petitioner. In pursuance to such request, a Medical Board was constituted by Civil Surgeon, Sonapat consisting of three Medical Officers including Orthopedic Surgeon, General Hospital, Sonapat and who in turn determined the age of petitioner as 45 years as on

14.01.2004.

Counsel would submit that as per such determination, the petitioner being a Class-IV employee would have a right to continue in service till attaining the age of superannuation i.e. 60 years and up to the year 2019.

Counsel during the course of hearing, however, contends that the respondents are proceeding with the assumption that date of birth of the petitioner as 14.01.1955. He concedes that in the records of the employment exchange the year of the birth of the petitioner is also recorded as 1955.

Counsel confines the scope of the present petition as regards issuance of directions to the official respondents for release of all admissible retiral benefits by considering the date of birth of the petitioner to be 14.01.1955 and as such by considering the date of superannuation to be 31.01.2015. It is contended that without even going into the issue and controversy of additional grant of four years of service, petitioner would be satisfied if all admissible retiral benefits are released to her without any delay and by taking her date of birth as 14.01.1955.

In view of the above and in the light of limited prayer raised by the petitioner, I deem it appropriate to dispose of the present petition by granting liberty to the petitioner to approach the respondent authorities to stake her claim for release of retiral/pensionary benefits by taking her date of birth as 14.01.1955 which even otherwise has been conceded by the respondent authorities as per Annexure P-7 duly placed on record.

It is directed that in the eventuality of any such representation being preferred respondent/competent authority would be obligated to