

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

**LPA No. 1089 of 2016(O&M)**

**Date of decision :04.07.2016**

**Savitri Devi**

**.....Appellant**

**Versus**

**State of Haryana and others**

**.....Respondents**

**CORAM : HON'BLE MR. JUSTICE SURYA KANT**

**HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr.Jasbir Mor, Advocate  
for the appellant.

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**SURYA KANT, J. (ORAL).**

The appellant is a poor sweeper who joined the respondent-State through Employment Exchange initially on part time basis in the year 1998 and finally earned the status of a regular employee.

It appears from the record that in the Employment Exchange her date of birth is recorded as 01.01.1967 whereas in the school leaving certificate her date of birth is shown to be 05.07.1965. She was subjected to medical examination in the year 2004. As per the medical certificate she was 47-48 years old (approximately).

She was again put to medical examination for the purpose of regularization of her services and as per this medical examination her age is stated to be “between 50 to 60 years.”

Thus, in these circumstances, the learned Single judge has

relegated the petitioner to the remedy of civil suit.

While we do not find any legal infirmity in the view taken by the learned Single judge as there are disputed facts involved, we are however of the view that in the interest of justice the uncertainty regarding date of birth of the appellant deserves to be resolved by the Civil Court at the earliest. We thus dispose of this appeal with a direction that in case the appellant files a civil suit within one month, learned Civil Court shall make an endeavour to decide the same at the earliest, but not later than one year.

**(SURYA KANT)**  
**JUDGE**

**(DARSHAN SINGH)**  
**JUDGE**

**July 04, 2016**  
s.khan