
In the High Court of Punjab and Haryana at Chandigarh.

RSA-2498-2012(O&M)
Date of Decision:03.03.2016

Karan Singh

...Appellant

Versus

The Chief Executive Officer, The Rohtak Coop. Milk Producers
Union Limited, Milk Plant, Gohana Road, Rohtak

...Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sushil K. Sharma, Advocate for
Mr. M.L. Sharma, Advocate,
for the appellant.

Mr. Satyawan Ahlawat, Advocate,
for the respondent.

SABINA, J.

Appellant had filed suit for declaration that his date of birth be considered as 01.07.1960 as mentioned in his school leaving certificate. Appellant challenged the order dated 24.10.2008, whereby his date of birth was changed from 01.07.1960 to 08.09.1953.

Case of the appellant, in brief, was that he was appointed as a Dairyman with the respondent on 18.07.1980. At the time of joining the job, appellant had submitted the certificate issued by R.P. High School and as per the same, date of birth of the appellant was 01.07.1960. After the appellant had rendered more than 26 years of continuous

service, respondent vide letter dated 09.10.2006 asked the appellant to submit proof of his date of birth. In pursuance to the said letter, appellant submitted the copy of the school leaving certificate which had already been submitted at the time of his appointment. However, without any justification vide letter dated 01.09.2008, appellant was directed by the respondent to appear before Civil Surgeon, Rohtak for assessment of his age. The Civil Surgeon, Rohtak opined that the age of appellant was 50 to 55 years and on the basis of the same, the date of birth of the appellant was changed from 01.07.1960 to 08.09.1953. Hence, the suit was filed by the appellant.

Respondent in its written statement averred that at the time of joining the service at Milk Plant Ballabgarh, appellant had submitted his 9th Class certificate and on the basis of the said certificate his date of birth was entered in his service record. Since, the said entry was not authenticated, appellant was asked to submit certificate regarding his date of birth. It transpired that appellant had failed in middle examination. Consequently, appellant was directed to appear before the Medical Board for assessment of his age. Civil Surgeon, Rohtak assessed the age as 50-55 years on 08.09.2008.

On the pleadings of the parties, following issues were framed by the trial Court:-

- “1. Whether the orders dated 24.10.2008 passed by the defendant for changing the date of birth of the plaintiff from 1.7.1960 to 8.9.1953 is illegal, null and void and liable to be set aside on the ground mentioned in the plaint, if so to what effect? OPP*
- 2. If issue no.1 is in affirmative, whether the plaintiff is entitled to the relief as claimed for? OPP*
- 3. Relief.”*

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 11.11.2011 dismissed the suit of the plaintiff. The said judgment and decree were upheld in appeal filed by the appellant by the First Appellate Court vide judgment/decreed dated 22.02.2012. Hence, the present appeal by the appellant-plaintiff.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

In the present case, at the time of joining of the service by the appellant, his date of birth was recorded as 01.07.1960, on the basis of certificate issued by R.P. High School. Since, the said entry was not got authenticated, for this reason appellant was asked to submit proof of his date of birth. Vide letter dated Ex.D-6, appellant himself requested

that respondent could get his age assessed by way of medical examination. Thereafter, the appellant was got medically examined and the Civil Surgeon, Rohtak assessed the age of the appellant as 50-55 years and on the basis of the same vide Exhibit D-9, date of birth of the appellant was treated as 08.09.1953. Appellant again made a request vide letter dated 22.03.2010 (Exhibit D-10) that he be again got medically examined. Thereafter, appellant was again got medically examined vide Exhibit D-14, his date of birth was treated as 16.05.1955.

Since, in the present case, school leaving certificate produced by the appellant was not got authenticated by anyone at Milk Plant, Ballabgarh, appellant was got medically examined as per his request and his date of birth was declared as 16.05.1955. During the course of the arguments, it has transpired that the appellant has since retired.

In the facts and circumstances of the present case, the Courts below had rightly dismissed the suit filed by the appellant. No substantial question of law arises in this appeal, warranting interference by this Court.

Dismissed.

March 03, 2016
kapil

(SABINA)
JUDGE