

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

LPA No. 26 of 2016

DATE OF DECISION : 12.01.2016

Shambhu Nath

.... APPELLANT

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Patiala and others

.... RESPONDENTS

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

Present : Mr. Baljinder Singh Sra, Advocate, for the appellant.

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**SATISH KUMAR MITTAL, J.** ( Oral )

This intra-court appeal under Clause X of the Letters Patent has been filed by the workman against the order dated 17.09.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 8650 of 2015) filed by the appellant, challenging the award dated 12.08.2014 rendered by the Labour Court deciding the reference against him, has been dismissed.

The dispute in this case is regarding the date of birth of the appellant. When he joined the respondent – Management in the year 1969, he gave his date of birth some where in the year 1948. At that time, he claimed himself to be 21 years of age. As per the Standing Orders of the company, age of superannuation is 58 years. Accordingly, he retired from service on 30.06.2006 on attaining the age of superannuation. Thereafter, the appellant – workman raised an industrial dispute alleging that his actual date of birth is October 03, 1954, therefore, he was wrongly retired in the year 2006 instead he should have been retired in the year 2012. The said

reference was decided by the Labour Court against the appellant – workman, after holding that he never made any attempt to get his date of birth corrected in the records of the respondent – Management and has failed to prove that his date of birth is October 03, 1954.

The learned Single Judge has upheld the award passed by the Labour Court by recording detailed reasons while dealing with all aspects of the matter. Learned counsel for the appellant could not point out any illegality in the reasons recorded by the learned Single Judge. It has not been disputed during the course of arguments that when the appellant – workman joined the services of the respondent – Management, his date of birth was recorded on the basis of information given by him. It is also an admitted position that initially, no attempt was made by the appellant to get his date of birth corrected. Even otherwise, the learned Single Judge has noticed that if the date of birth of the appellant is accepted as October 03, 1954, then at the time of his initial appointment in November, 1969, he was not eligible for appointment. After considering all these facts, the learned Single Judge has rightly upheld the award passed by the Labour Court. We do not find any ground to interfere with the impugned order passed by the learned Single Judge.

No merit. Dismissed.

**( SATISH KUMAR MITTAL )**  
**JUDGE**

**January 12, 2016**  
**ndj**

**( HARINDER SINGH SIDHU )**  
**JUDGE**