

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4756 of 2016 (O&M)
Date of Decision:-23.12.2016.

Kanhiya @ Kanhiya Lal Pal

.....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Ranjivan Singh, Advocate for the appellant.

P.B. BAJANTHRI, J. (Oral)

CM No.12303-C of 2016

CM for condonation of delay of 26 days in re-filing the instant appeal is allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

Delay of 26 days in re-filing the instant appeal stands condoned.

RSA No.4756 of 2016

1.) In the instant appeal, question for consideration is whether the appellant is entitled for correction of his date of birth from 5.2.1962 to 5.3.1966 or not. The appellant was initially appointed on daily wage basis in the year 1988-89. His services were regularized in the year 2001.

Thereafter, he came to know that his date of birth has been wrongly entered

in the service book as 5.2.1962 instead of 5.3.1966. Thus, he has moved an

application before the competent authority. The same was not considered. Consequently, he was compelled to file a civil suit before the Trial Court and civil suit was filed in the year 2006-07 for correction of date of birth. Suit was dismissed on 28.4.2010. Still aggrieved by the order of the Trial Court, he preferred an appeal before the Appellate Court and the Appellate Court affirmed the order passed by the Trial Court on 25.4.2012. Thus, the present appeal has been preferred.

2.) Learned counsel for the appellant submitted that as on the date of regularization, he did not have the relevant record for the purpose of making necessary entry relating to date of birth as 5.3.1966 and so also the original. After disposal of suit he had original records and the same has not been accepted by the Appellate Court.

3.) Heard learned counsel for the appellant.

4.) Short question for consideration is whether the appellant is entitled for declaration to enter his date of birth as 5.3.1966 instead of 5.2.1962 or not. So far as correction of date of birth in the service register, if any, the same is governed by Rules called Punjab Civil Services Rules, Volume-I in particularly, Rule 2.5 which reads as under:-

“Annexure (A) rule 2.5 of the Punjab Civil Services Rules : “In regard to the date of birth a declaration of age made at the time of or for the purpose of entry into Government service shall, as against the Government Employee in question, be deemed to be conclusive unless he applies for correction of his age as recorded within two years from the date of his entry into Government Service.”

In view of the above statutory provision, the grievance of the

regularization is taken into consideration for the purpose of correction of date of birth, whereas, the appellant has filed suit only in the year 2006-07. Thus, there is a statutory bar for correction of date of birth as per Rule 2.5 of the Punjab Civil Services Rules, Volume-I if it is beyond two years. Hence, the appellant has not made out a case so as to interfere with the order of the Trial Court as well as Appellate Court.

5.) Appeal stands dismissed.

(P.B. BAJANTHRI)
JUDGE

December 23, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.