

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6829 of 2009**

- Tulsi Yadav, S/o late Shri Raghunath Yadav, aged about 49 years, working as Mechanical Fitter, Kusmunda Colliery, under Kusmunda Area SECL R/o MD-1, Vikas Nagar, P.O. Kusmunda, District Korba, C.G.

---- Petitioner**Versus**

1. SECL Through : Its Chairman cum-Managing Director, Seepat Road, Bilaspur C.G.
2. General Manager S.E.C.L. Kusmunda Area, P.O. Kusmunda, P.O. Kusmunda, Distt.-Korba (Cg)

---- Respondents

For Petitioner	:	Shri Govind Ram Miri, Advocate with Shri Basant Kaiwartya, Advocate
For Respondents-SECL	:	Shri SK Bajpai, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****10/04/2017**

1. Petitioner was appointed as General Mazdoor, Banki Colliery, Korba on 23.11.1980. Claim in this petition is for change of his Date of Birth in the service record from 23.11.1950 to 04.06.1960.
2. According to the petitioner, the said Date of Birth is recorded in his 5th class school leaving certificate and in other service record also, therefore, the date should have been corrected and the petitioner should not have been retired on 30.11.2010.
3. Shri SK Bajpai, learned counsel for the respondent SECL would oppose the petition on submission that the 'B' Form is a statutory record, therefore, the

date of birth recorded therein has to be preferred over all other documents. He would submit that an employee is not entitled to raise dispute concerning his date of birth at the fag end of service. He would refer to the law laid down by the Division Bench of this Court in the matter of **South Eastern Coalfields Ltd. and others Vs. Sampat Kumar Chauhan**¹.

4. Indisputably, petitioner's date of birth is recorded in the 'B' Form maintained by the employer as 23.11.1950 and this 'B' Form bears petitioner's thumb impression admitting the said entry. The present petition has been filed on 18.11.2009 i.e. after about 29 years of joining the services. Even otherwise, the petitioner raised dispute concerning date of birth for the first time in the year 2004 i.e. after 24 years of joining the services.
5. It is settled law that an employee is not permitted to make prayer for correction of date of birth at the fag end of service. The Division Bench of this Court after referring to several Supreme Court judgments has laid down the law in this regard in the matter of **Sampat Kumar Chauhan** (*supra*).
6. Considering the law laid down by the Supreme Court in **Sampat Kumar Chauhan** (*supra*) dealing with the similar provisions on which the petitioner is placing reliance, there is no scope for interference to allow correction of petitioner's date of birth in the service record.
7. Accordingly, the writ petition stands dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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¹ WA No.399 of 2014 decided on 27.02.2015