

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1593 of 2017

1. Devendra Pandey S/o Late Jamuna Pandey, Aged About 58 Years R/o B - Type, Godaripara, Q. No. 271, Block No. 10, P.O. Kurasiya, P.S. Chirmiri, District Korea Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Ltd. Through Chairman-Cum-Managing Director, South Eastern Coal Fields Ltd. Seepat Road Bilaspur Chhattisgarh
2. Director (Personnel) South Eastern Coalfields Ltd. Head Quarters Seepat Road, Bilaspur Chhattisgarh
3. Sub Area Manager South Eastern Coalfields Ltd. Kurasiya Samuh, Post Office - Kurasiya Colliery District Korea Chhattisgarh
4. Senior Manager (Mining)/Mines Manager, South Eastern Coal Fields Ltd. Kurasiya Samuh, Post Office Kurasiya Colliery District Korea Chhattisgarh

---- Respondent

For Petitioner
For Respondents

Shri Chandresh Shrivastava, Advocate
Shri Vikram Sharma, Advocate on behalf
of Shri Shailendra Shukla, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

04/04/2017

1. Petitioner would pray for correction of his date of birth in the service record of SECL. In petitioner's service record maintained in the SECL his date of birth is recorded as

10-4-1957 whereas he claims that his correct date of birth is 13-5-1959 which should have been recorded.

2. Indisputably, the petitioner joined the service with the respondent SECL as a Casual Worker on 9-6-1982. According to the petitioner, in the Mining Sirdar Certificate issued in his favour his date of birth is recorded as 13-5-1959, therefore, the said certificate being statutory in nature the earlier recorded date of birth as 10-4-1957 should be corrected.
3. It appears the petitioner raised the issue concerning incorrect recording of date of birth at the fag end of service. Petitioner is due for retirement on 30-4-2017, thus the writ petition has been preferred one month prior to his proposed retirement vide Annexure – P/1 on the basis of his recorded date of birth.
4. Petitioner is claiming application of Implementation Instruction No.76 for sending him to Age Determination Committee (ADC) or recording the date of birth on the basis of Mining Sirdar Certificate, however, the same Implementation Instruction No.76 fell for consideration before this Court in the matter of **South Eastern Coalfields Ltd. & Ors. v. Sampat Kumar Chauhan**¹ wherein the Division Bench of this Court, after considering the issue at length, concluded that the dispute concerning Date of Birth cannot be permitted to be raised at the fag end of service.

¹ WA No.399 of 2014 (decided on 27-2-2015)

5. The matter in issue being squarely covered by the decision of the Division Bench of this Court in **Sampat Kumar Chauhan** (supra), the same is liable to be and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Gowri