

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 505 of 2015**

- Mahesh Ram S/o Late Puniram, Aged About 51 Years R/o Haveli Chowk, Chhuri Kala, Tahsil Katghora, P.O. Chhuri, P.S. Katghora, Civil And Revenue District Korba Chhattisgarh

---- Appellant**Versus**

1. South Eastern Coalfields Limited Through Its Chairman Cum Managing Director, S.E.C.L. Head Quarter, Seepat Road, Bilaspur Chhattisgarh
2. The Director (Personnel), South Eastern Coalfields Limited, S.E.C.L. Head Quarter, Seepat Road, Bilaspur Chhattisgarh
3. Personnel Manager, Surakachhar Colliery, Surakachhar Sub Area Of Korba Area, South Eastern Coalfields Limited, Tahsil Katghora, District Korba Chhattisgarh

--- Respondents

For Appellant	:	Mr. Ravindra Agrawal, Advocate
For Respondents	:	Mr. Sudhir Kumar Bajpai, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****05.05.2017**

1. We have heard learned Counsel for the Appellant and the learned Counsel for the Respondents.
2. This appeal is against the Judgment dismissing the Writ Petition filed by the Petitioner essentially seeking modification of his date of birth from 28.01.1954 to 04.06.1963.

3. Learned Counsel for the Appellant argued that the material particulars indicate that the assertion of the Appellant is justified and that his school record will show that he was born only on 04.06.1963.
4. The date of birth of the Appellant is recorded as 28.01.1954 in the Form-B maintained in terms of the provisions of the Mines Act. It contains the left thumb impression. Annexure R/3 is another document in the form of declaration including about the parents, spouse and children of the Appellant. With this, learned Single Judge held that the issue raised stands concluded in terms of the judgment of the Apex Court in *State of Uttaranchal and Others v. Pitamber Dutt Semwal* [2005 (11) SCC 477] and the judgment of the Division Bench of this Court in Writ Appeal No. 399/2014 (South Eastern Coalfields Limited and others v. Sampat Kumar Chauhan). That appellate judgment of the Division Bench has also been affirmed by the Hon'ble Apex Court.
5. The aforesaid position including the binding nature of the entries in the Form-B register, notwithstanding, the fact of the matter remains that the Writ Petition was instituted only on 31.12.2014 though the Petitioner stood superannuated on 31.01.2014. The learned Counsel for the Appellant points out that his client had filed an earlier Writ Petition which ended with a direction to the establishment to consider the Petitioner's representation and that the decision on that representation came only after the superannuation of the Appellant. In our view, that by itself, is insufficient to upset the judgment rendered by the learned Single Judge which stands on different reasons as noted above.
6. We do not find any ground to interfere with the impugned judgment

through this intra Court appeal. Hence, this Writ Appeal fails.

7. In the result, this Appeal is dismissed.

**Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice**

**Sd/-
(P. Sam Koshy)
Judge**

Kishore