

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

CWP-13964-2017

Decided on: 28.06.2017

Suresh

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Naveen Singh Panwar, Advocate,
for the petitioner.

Mr. Pawan Kumar Jangra, Addl. A.G. Haryana.

SUDIP AHLUWALIA, J (ORAL)

Mr. Pawan Kumar Jangra, Addl. A.G. Haryana, accepts notice on behalf of respondents No.1, 2 and 5.

Perusal of the writ petition, however, indicates that the petitioner has not claimed any substantive relief against these respondents and his grievance is essentially directed against the Municipal Council Hodal (respondent No.3) through its Secretary (respondent No.4). His case is that he joined as a Sweeper in the said Municipal Body way back in 1979. His date of birth happens to be 26.09.1959 and according to him, his date of birth was duly incorporated in his service book. He was further shocked on receiving the information that he is going to be superannuated from service on 30th of the current month in view of the fact that his date of birth, according to the service book, happens to be 01.07.1957.

In this regard, the contention of the petitioner is that such alteration in his personal particulars in the service book has been done by some unknown mischievous elements by way of cutting out the original date of birth and inserting the new date of birth subsequently. To support his contention, he has also placed on record a copy of his birth certificate

Undoubtedly, a writ court should not ideally venture into complicated questions of fact. To that extent, this Court need not go into speculation about the actual age or date of birth of the petitioner at this stage. But the Court has also to be mindful of the situation in which an employee may suffer unjustified consequences simply due to mischievous activity on the part of some unknown person in the establishment of respondents No.3 and 4.

In the circumstances, the writ petition is disposed of with a direction upon respondent No.4 (representing respondent No.3) to either conduct a fact finding enquiry himself or through any other competent senior officer of his establishment on the question as to how and under what circumstances any tampering or interpolation was made in the personal particulars of the petitioner in his service book. If it is found that actually there has been any such interpolation and that too without any cogent explanation or justification, needless to mention the petitioner shall be entitled to continuation in his employment on the basis of his actual age/date of birth. However, if no valid reason for alteration in the service particulars is found, or it is seen that there is actually no tampering in the service record, the petitioner shall have no further claim in this regard.

Respondent No.3 represented by respondent No.4 is directed to pass an appropriate reasoned order on the basis of such fact finding enquiry, within a period of 3 weeks from the date of communication of this order.

(SUDIP AHLUWALIA)
JUDGE

28.06.2017
Dinesh

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No