

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 19803 of 2015
Date of Decision: July 24, 2017

Tara Wati

... Petitioner

Versus

Presiding Officer, Labour Court, Ambala City and others

... Respondents

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

Present: Mr. Vimal Singh, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for respondent No.3.

P.B. Bajanthri, J. (Oral)

1. On 21.11.2016 and 17.12.2016 matter was heard for some time and sought certain documents from the respondent like order of appointment of the petitioner so also document to show that petitioner's date of birth has been accepted at the time of appointment.
2. Learned counsel for respondent no.3, on instructions from Mr. Anand Tayal, Advisor, fairly submitted that there was no record relating to order of appointment issued to petitioner so also acceptance of particular date of birth of the petitioner.
3. In view of these facts and circumstances and the fact that petitioner's date of birth shown in Birth Certificate (Annexure P/9) as 04.03.1962, she is entitled for continuity of service till 31.03.2022. The Labour Court has not appreciated the fact of existence of order of appointment as well as acceptance of particular date of birth of the

petitioner. On the other hand, ignored the date of birth as 04.03.1962 entered in the Birth Certificate. In view of these lacuna, Labour Court erred in holding that petitioner is not entitled to continue in service beyond November 2010. Admittedly, in the Birth Certificate (Annexure P/9), date of birth of the petitioner has been shown as 04.03.1962. Petitioner is a sweeper. It seems that she is illiterate. Hence, Birth Certificate is a valid document to accept petitioner's date of birth as 04.03.1962. Therefore, award dated 29.08.2014 passed by Labour Court is liable to be set aside. Accordingly, it is set aside. Respondents are hereby directed to reinstate the petitioner into service and continue her services till 31.03.2022 as and when she attains the age of 60 years. Petitioner is entitled for back wages from November 2010 till date. The same shall be calculated and disbursed to the petitioner within a period of three months from today, failing which petitioner is entitled to interest @ 6 per cent per annum on the back wages.

4. Instant writ petition stands allowed.

July 24, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No