

CM No.13296-C of 2016 in/and
RSA No.3100 of 2008

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

Date of decision: 15.03.2017

CM No.13296-C of 2016 in/and
RSA No.3100 of 2008

Santokh Singh

...Petitioner

Vs.

Punjab State through Collector, Gurdaspur & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Onkar Singh, Advocate, for the applicant-appellant.

RAJIV NARAIN RAINA, J. (ORAL)

CM No.13296-C of 2016

Notice of the application.

On the asking of the Court, Mr. P.S.Bajwa, Addl. AG, Punjab, accepts notice on behalf of the respondents.

Having heard learned counsel for the parties, the application for early hearing is allowed and the main appeal is taken up for final disposal today itself.

RSA No.3100 of 2008

Heard.

The State of Punjab has relied upon entry of date of birth in the Discharge Certificate issued by the Indian Army before employing the plaintiff-appellant in a Department of the State, the respondent. The plaintiff's entry into State service was on the strength of declaration made while he

served in the Indian Army. Therefore, he is bound by that declaration whosoever made it so long as the declaration was not disclaimed. For the purposes of service benefits, his date of birth will remain that which he professed before the Authorities in the Indian Army to secure enlistment. No other material will be looked into in change of date request which postpones retirement. The lower Appellate Court committed no error in the judgment in appeal while dismissing the suit.

I find that no substantial question of law involved in this appeal for interpretation and thus interference within the jurisdiction of Section 100 of the Code of Civil Procedure or Section 41 of the Punjab Courts Act, 1918 is not warranted on the second appeal side of this Court. Accordingly, the appeal fails and is dismissed.

15.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>