

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

CWP No.26463 of 2017 (O&M)

Date of decision : 30.11.2017

Billo @ Bobby

.....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Nitin Rampal, Advocate for the petitioner.

* * *

DAYA CHAUDHARY, J. (Oral)

CM No.17244-CWP of 2017

This application is for placing on record affidavit of the petitioner.

CM is allowed and the affidavit of the petitioner annexed with the application is taken on record.

CWP No.26463 of 2017

The petitioner is aggrieved by the action of the respondents only on the ground that her date of birth was inadvertently recorded as 01.12.1957 at the time of entry into service, whereas that was not her correct date of birth. Petitioner is going to be retired by considering the date of birth which is mentioned in the service record.

Learned counsel for the petitioner submits that the impugned order has been passed after considering the application of the petitioner by stating that date of birth at the time of entry into the service has been

considered and petitioner is going to be retired on the basis of that service record.

On perusal of impugned order dated 24.05.2017, it is apparent that age of the petitioner was recorded as 26 years in the medical certificate. Accordingly, date of birth was entered in the service book and the same has been taken into consideration not only during whole service but at the time when petitioner is going to be retired. It has also been mentioned that petitioner could have applied within a period of two years from coming into force the new rules but no efforts were made by the petitioner.

Disputed question of facts cannot be decided by the Writ Court. Simply saying that inadvertently, wrong date of birth is recorded is no ground to challenge the impugned order.

Dismissed.

30.11.2017

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No