

CWP No.3298 of 2017

[1]

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

**CWP No.3298 of 2017
Date of decision:05.09.2017**

Shervinder Singh

...Petitioner

Versus

Union of India and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Rajeev Sharma, Advocate,
for the petitioner.

Mr. Anil Chawla, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus* to direct the respondents to renew/re-issue his old passport or in the alternative to issue a fresh passport to him, in accordance with law.

There is no dispute that the application of the petitioner for renewal/re-issuance of his old passport has been put on hold by the passport authorities. According to the respondents, the petitioner is a government servant working in the Punjab Police. Initially, he was issued a passport bearing no.F-365580 dated 28.03.1988 by the Regional Passport Office (RPO), Chandigarh, in which he got recorded his date of birth as 26.08.1969. The record pertaining to the said passport has been weeded out except for the passport entry register which bears his date of birth as 26.08.1969.

The petitioner applied for a fresh passport in the year 1992 from the Regional Passport Office (RPO), Jalandhar, without disclosing the fact of

his previous passport obtained from RPO, Chandigarh and passport bearing no.L-413367 with the date of birth as 26.08.1970 was issued to him on 10.08.1992. Thereafter, in the year 2002, the petitioner applied for re-issuance of his old passport no.F365580 dated 28.03.1988 with file No.CHDF00255102 with the date of birth as 26.08.1970 but this file was closed on account of an objection regarding his date of birth being different from the one recorded in the old passport.

In the year 2003, the petitioner again applied for re-issuance of his old passport bearing no.L413367 dated 10.08.1992 with file no.CHDF00084303 in RPO, Chandigarh with the date of birth as 26.08.1970 and obtained the passport bearing No.E3725717 dated 07.02.2003. In this application, he did not disclose about issuance of the previous passport by the RPO, Chandigarh bearing no.F-365580 dated 28.03.1988. The petitioner applied in the year 2016 for re-issuance of his old passport no.E3725717 dated 07.02.2003 with file no.CH3079875990816. In order to decide his application, the entire old record was perused and it was found that the petitioner has obtained multiple passports from RPO, Chandigarh and RPO, Jalandhar with different date of birth. The matter was referred to the Commissioner of Police, Ludhiana.

The petitioner has produced a letter of the Commissioner, Ludhiana addressed to the RPO, Chandigarh dated 09.05.2017 in which it is mentioned that in the previous passport no.F365580 dated 28.03.1988, his date of birth as 26.08.1969 was wrongly mentioned by the agent.

Counsel for the petitioner has taken the same stand in this petition that it was due to clerical error that his date of birth was wrongly mentioned in passport no.F365580 dated 28.03.1988 by the agent, who filled his form.

On the other hand, counsel for the respondents has submitted that if the date of birth was wrongly mentioned, as alleged, by the agent, the petitioner, being a government servant and working in the police department, could have made an application to the passport authorities for correction of his date of birth in his passport from 26.08.1969 to 26.08.1970 but no effort was made. It is, thus, submitted that the application of the petitioner has been put on hold, asking him to get the matter decided from a competent court of law about his actual date of birth and also to prove that earlier when passport no.F365580 was issued to him on 28.03.1988, his date of birth was wrongly mentioned as 26.08.1969 due to an error/omission and there was no deliberate attempt on his part.

I have heard learned counsel for the parties and examined the available record with their able assistance.

In this case, the petitioner is a literate person, government servant and working in the police department. He obtained multiple passports from RPOs, Chandigarh and Jalandhar. In the passport obtained by him on 28.03.1988 from RPO, Chandigarh, he mentioned his date of birth as 26.08.1969. After three years in the year 1992, he applied for a fresh passport from RPO, Jalandhar, without disclosing the factum of his previous passport obtained from RPO, Chandigarh and got issued passport no.L413367 on 10.08.1992 with the date of birth as 26.08.1970. In the year 2002, he applied for re-issuance of his passport from the RPO, Chandigarh. This file was closed on account of an objection that there is a different date of birth in his previous passport no.F365580. In the year 2003, he again applied for re-issuance of his old passport no.L413367 dated 10.08.1992 from RPO, Chandigarh and did not disclose about his previous passport issued by the RPO, Chandigarh bearing

no.F365580 dated 28.03.1988 and became successful in obtaining passport no.E3725717 dated 07.02.2003. Now, in the year 2016, he again applied for re-issuance of his old passport no.E3725717 dated 07.02.2003 but due to alertness of the RPO, Chandigarh, his earlier passport no.F365580 dated 28.03.1989, in which he had mentioned his date of birth as 26.08.1969 surfaced.

Thus, the question involved in this case is as to whether there is any fault on the part of the passport authorities in putting on hold the application of the petitioner for re-issuance of his old passport?

In my considered opinion, the petitioner himself is to be blamed for playing hide and seek with the passport authorities for not disclosing the true facts in his application because when he obtained the first passport no.F365580 dated 28.03.1988, in which his date of birth was wrongly mentioned by the passport agent as 26.08.1969, he should have approached the RPO, Chandigarh for seeking a correction in the passport about his date of birth but he did not opt for it and rather applied for fresh passport after three years in the year 1992 from RPO, Jalandhar and without disclosing the fact of his previous passport no.F365580 dated 28.03.1989, he got issued fresh passport no.L413367 on 10.08.1992 with the different date of birth as 26.08.1970. When his application filed in the year 2002 for re-issuance of his old passport bearing no.F365580 by the RPO, Chandigarh was closed because of the different date of birth mentioned by him as 26.08.1970 instead of 26.08.1969, mentioned by him earlier when he obtained the passport no.F365580 dated 28.03.1989, then he did not challenge the action of the RPO, Chandigarh and rather again applied in the year 2003 to the RPO, Chandigarh on the basis of his old passport no.L413367 dated 10.08.1992 obtained from

the RPO, Jalandhar and was successful in obtaining a new passport from RPO, Chandigarh bearing no.E3725717 dated 07.02.2003, without disclosing the fact of his earlier passport bearing no.F365580 dated 28.03.1988.

All these facts mentioned in the reply by respondent no.3 are not controverted by the petitioner by way of replication rather he has tried to project himself to be innocent by alleging that his date of birth was mentioned as 26.08.1969 by the passport agent in his first passport no.F365580 dated 28.03.1988. The petitioner appears to be a victim of his own cleverness as he did not disclose the true facts to the RPO, Jalandhar when he obtained passport no.L-413367 dated 10.08.1992 with the different date of birth as 26.08.1970. He did not apply to the RPO, Chandigarh for seeking correction in his date of birth in passport no.F365580 and also did not challenge the closure of his file by the RPO, Chandigarh when he applied in the year 2002 and did not disclose to the RPO, Chandigarh when he got issued fresh passport no.E3725717 on the basis of his old passport no.L413367 issued by the RPO, Jalandhar as he did not disclose to the RPO, Chandigarh about his passport no.F365580 in which different date of birth has been mentioned.

All these facts are sufficient to deny the prayer made by the petitioner as his application for renewal/re-issuance of his old passport has rightly been put on hold by the RPO, Chandigarh.

Consequently, I do not find any merit in the present petition and hence, the same is hereby dismissed, though without any order as to costs.

September 05, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No