

\$~15

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9138/2016

URMILA DEVI

..... Petitioner

Through: Mr. B.S. Randhawa & Mr. Dinesh
Kothari, Advocates

versus

EAST DELHI MUNICIPAL CORPORATION AND ANR

..... Respondents

Through: Mr. Mukesh Gupta, Standing Counsel

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

%

27.01.2017

Having gone through the affidavit filed by the petitioner, we are not inclined to interfere with the impugned order passed by the Central Administrative Tribunal, dated 27.8.2015, whereby OA No.136/2015 has been dismissed.

The dispute in the aforesaid OA relates to the date of birth of the petitioner, who was appointed on compassionate grounds in December 2004, after the death of her husband on 26.7.2001. At the time of joining/appointment, the petitioner had mentioned her date of birth as 10.7.1955, which was recorded in the official records. Our attention is drawn

to the reply, wherein it is mentioned that the petitioner had submitted a declaration form at the time of her joining, mentioning that her date of birth was 10.7.1955. This declaration form was attested by the SC/ST Board, Member Legislative Assembly, on 17.6.2004. A copy of the said declaration form was enclosed as Annexure-1.

The petitioner, in the OA, had taken the plea that her date of birth, as recorded in the declaration form, i.e. 10.7.1955, was mentioned by her inadvertently.

The petitioner claims that her actual date of birth is 5.5.1972. She relies upon the medical certificate form as well as the identity card issued by East Delhi Municipal Corporation. The identity card itself would not prove her date of birth.

The fact is that the petitioner had initially given her date of birth as 10.7.1955. Her husband, late Fakir Chand, had started working with the respondent corporation in 1981. This date of employment is correct. The petitioner, in 1981, would be nine years of age, taking her year of birth as 1972. The petitioner has not given the date or year she had got married to Late Fakir Chand. Her claim that her elder son is only 25-26 years of age and her youngest child, a daughter, is 15-16 years of age accordingly

appears to be far-fetched. If we accept her stand, then the youngest child was born about 7 months after the death of Fakir Chand.

Keeping in view the discrepancies, we would prefer to reply on the opinion of the Medical Board dated 7.4.2014. The aforesaid opinion, based on dental examination/radiological changes etc., opines that the age of the petitioner could be somewhere between 55 to 60 years.

In these circumstances, we are not inclined to interfere with the impugned order of the Tribunal. The petition is dismissed. No costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JANUARY 27, 2017

tp