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

+ **W.P.(C) 9764/2017**

SARVESH KUMAR KASHYAP Petitioner
Through **Mr. Shwetank Sailakwal, Advocate.**

versus

UNION OF INDIA AND ORS. Respondents
Through **Mr. Satish Bhati, proxy counsel for**
Mr. J.K. Singh, Advocate.

CORAM:
HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER
% 06.11.2017

Petitioner has approached this Court afresh on passing of a speaking order dated 31.7.2017 passed by Sr. Divisional Commercial Manager, Northern Railway, Moradabad in pursuance of the directions given by this Court in WP(C) 5812/2017 Sarvesh Kumar Kashyap Vs. Union of India & Ors., which is, as under :

“Heard. Mr. Singh, Id. Standing counsel has been supplied a copy of the writ petition.

In the writ petition, the petitioner has agitated the issue of his correct date of birth, which, according to the petitioner, has a direct bearing on his right to render catering services at Moradabad Railway Station. While disputed questions of facts cannot be gone into in the writ proceedings, Id. Counsel for the petitioner, on being queried, submits that though the petitioner has earlier made a representation seeking correction of his date of birth in the records of the respondents, such representation has not yet been dealt with.

Keeping in view, the totality of the facts and circumstances, it is directed that the respondents shall consider the instant writ petition as representation of the petitioner and dispose off the same within a period of three weeks from today, by a speaking order. For the purpose, petitioner may also be given a personal hearing. Decision taken shall be conveyed to the petitioner forthwith. Petition stands disposed off accordingly. ”

In the impugned order, the authority concerned has inter alia stated, as follows :

“.....The opportunity of personal hearing was provided to applicant by Railways on 21.07.2017 and during personal hearing, the applicant could not satisfy the undersigned authority about the reason of different dates of birth in his Adhar card, PAN card and Voter ID etc. which is suspicious and confirms the malafide intention of the applicant.....”

The above-said observations in the impugned order by itself show that the respondents dispute the correctness of the date of birth bring asserted to by the petitioner and to the extent whereof, the correction is sought. Disputed questions of facts, it does not require any elaboration, cannot be gone into the writ proceedings. In view thereof, the petition is dismissed, reserving the right to the petitioner to avail any other efficacious remedy that may be available to the petitioner, if he is entitled to. Petition stands disposed off accordingly.

A. K. CHAWLA, J

NOVEMBER 06, 2017

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