

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

**CWP No. 2421 of 2018
Date of Decision: 5.2.2018**

Kalongi

...Petitioner.

Versus

Municipal Corporation, Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vishal Khatri, Advocate, for
Mr. Barjesh Mittal, Advocate
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion.

Ms. Deepali Puri, Advocate, accepts notice on behalf of the respondents. Copies supplied.

In the nature of order I propose to pass, no formal written statement(s)/counter-affidavit(s) on behalf of the respondents are indeed necessary at this stage. Thus, with the consent of the parties, the petition is being finally disposed of.

The petitioner is employed as Beldar and is aggrieved against the impugned communication (Annexure P-8), wherein his date of birth is recorded as 2.3.1958 and he, thus, is slated to superannuate on 31.3.2018. Learned counsel for the petitioner submits that apparently, the petitioner is a victim of an error in the records of the respondents, for, his actual date of birth is 15.10.1970. He submits that in the tentative seniority list of Daily Wager Beldars, working in Road Wing of Municipal Corporation, Chandigarh, the date of birth of the petitioner is shown as 2.3.1958.

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And being aggrieved, the petitioner represented to his Controlling Officer (respondent No.4) and requested for rectification of this error. Further, he even furnished, not only the school leaving certificate issued by Government Primary School, Maloya Colony, U.T. Chandigarh, but also his Aadhaar Card, which show the date of birth of the petitioner as 15.10.1970. Not just that, he submits that respondents subsequently issued a fresh tentative seniority list, (Annexure P-6), wherein his date of birth is correctly depicted. Reliance is also placed upon an identity card (Annexure P-7), issued to the petitioner by the Municipal Corporation, Chandigarh, which also reveals his date of birth to be 15.10.1970. Learned counsel for the petitioner submits that pursuant to the impugned communication (Annexure P-8), the petitioner would be retired on 31.3.2018 and in the event, operation of the said communication is not stayed, the petitioner shall suffer an incalculable loss.

In response, learned counsel for the respondents submits that claim of the petitioner as also his grievance shall be considered and dealt with within three weeks from today. And appropriate orders in accordance with law shall be passed and conveyed to the petitioner. In the event, the claim of the petitioner is declined, the authority shall pass a comprehensive order, after affording an opportunity of hearing to the petitioner and assigning reasons in support thereof.

In conspectus of the above, the petition is disposed of in the above terms.

5.2.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO