

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

CWP No.4869-2019 (O&M)
Date of decision: March 14, 2019

Jagir Singh ...Petitioner

Versus

State of Punjab and others ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Ranjodh Singh Sidhu, Advocate for the petitioner.

Rajan Gupta, J.(oral)

The petitioner has prayed for a writ, directing respondents to correct his date of birth from 02.01.1955 to 04.10.1959 in the service book, in view of civil court decree dated 01.12.2017 and to grant all consequential service benefits and also for quashing the order dated 11.07.2018, passed by respondent No.4.

Earlier petitioner had filed a Civil Writ Petition No.9977 of 2018 before this court, which was disposed of on 24.04.2018, with a direction to respondent No.4 to consider and decide his legal notice within six weeks from the receipt of certified copy of the order. In compliance of the aforesaid order, the authority considered the plea of the petitioner and passed a speaking order dated 11.07.2018. The relevant portion thereof reads as under:-

“So far as the question of legal notice dated 10.01.2018 of the petitioner is concerned, it is submitted that being not a general public, the respondents were not a party in the Civil Suit

No.614/06.12.2016 of Hon'ble court of Ms. Rana Kanwardeep Kaur, PCS, Civil Judge (Senior Division), Tarn Taran, which was decided on dated 1.12.2017. So being not a General Public, it is not required on the part of respondents to implement the exparte decision dated 01.12.2017 made by the Hon'ble Court in Civil Suit No.614/06.12.2016, in regard to amending the date of birth of petitioner as 04.10.1959 from 01.01.1955. Moreover, as per the service book record of petitioner, it is very much clear that the petitioner has declared his date of birth as 02.01.1995 at the time of his joining his service as a work charge Beldar on dated 01.07.1980 in the office of Sub Divisional Officer, Sidhwan Sub Division, Ludhiana and this fact is also recorded on page No.3 of his Service Book Record, which is duly signed by the petitioner. Apart from this, as per record, the petitioner has declared his date of birth as 02.01.1955 with the department on dated 01.07.1980 at the time of his joining service in the department, whereas the exparte decision of Suit No.614/06.12.2016 given by the Hon'ble Court Tarn Taran on dated 01.12.2017, after a long period of around 37 years, and even after the retirement of the petitioner, as the petitioner got retired from his service from this department on dated 31.01.2015. So, the retiral claim of the petitioner can not be considered at this stage, whereas all the retirement benefits have already been released to the petitioner i.e. Jagir Singh Gage Reader and the petitioner is also getting his pension from the concerned Treasury already.

The undersigned has examined the legal notice dated 10.01.2018 of the petitioner with thoughtful consideration in view of Hon'ble High Court's decision dated 24.04.2018. The claim of the petitioner has been considered by the competent authority, is hereby rejected.”

The petitioner had himself declared his date of birth as 02.01.1995 at the time of his joining service. He has retired from service on 31.01.2015 and all his retiral dues have already been released. He relies upon ex-parte decision of the civil court dated 01.12.2017 at this belated

stage for correction of his date of birth. The writ petition is not the appropriate remedy for this relief. It appears petitioner chose not to seek execution on the basis of decree. The petition is, thus, without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 14, 2019
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No