

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

CWP-19437-2017 (O & M)

Date of decision: 29.04.2019

Ram Raj

.... Petitioner

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gagneshwar Walia, Advocate, for the petitioner.

Ms. Ishneet Kaur, A.A.G., Punjab.

Rajan Gupta, J. (Oral)

Petitioner was enrolled as a Home Guard on 20.10.1991. He submitted documents with the respondent-department mentioning his date of birth as 01.09.1958. He continued working as such till 31st August, 2017 till he attained the age of 58 years. In the year 2015, he submitted a representation to the department to change his date of birth from 01.09.1958 to 01.09.1968.

Stand of the State is that name of the petitioner was not borne on the regular role of the department. No service record is maintained qua him being a Home Guard (Volunteer). Besides, in the enrollment form submitted by him, he mentioned his date of birth as 01.09.1959. He continued to perform his duty as Home Guard (Volunteer) for 26 years but never made any representation regarding change of his date of birth. As his term was coming to an end, he submitted application for change of date of birth with a view to remain in service for almost another decade.

I find substance in the plea of the State. The claim of the petitioner is hopelessly time-barred. It appears that he made a frivolous application with a view to get undue benefit from the department. Besides, there are no rules governing the service of the petitioner which entitle him to seek change of date of birth. The petition is not only frivolous but entire case of the petitioner is based on an untenable claim. The petition is, thus, dismissed with a costs of Rs.30,000/- to be remitted to State Legal Services Authority, Punjab.

April 29, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

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