

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24182 of 2018(O&M)
Decided on: 02.12.2019

Ranjit Singh

...Petitioner

Versus

State of Punjab & Anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Argued by : Mr. Ajay Kumar Gupta, Advocate
for the petitioner.**

Mr. P.S. Bajwa, Addl. AG Punjab.

**Mr. Charanjit Sharma, Advocate
for respondent No.2.**

ARUN MONGA, J.(ORAL)

1. At the threshold, learned counsel for the petitioner submits that he does not press for any relief against respondent No.2 nor otherwise presence of said respondent is necessary and by sheer inadvertence has been impleaded as party herein. At his request, writ petition is dismissed qua respondent No.2.

2. Petitioner herein has assailed order dated 22.01.2018(Annexure P-3) vide which respondent No.2 has refused the request of the petitioner to correct its record qua his date of birth.

3. As regards merits of the case, after hearing arguments of learned counsel for the petitioner as also learned State counsel, I am of the view that writ petition is not worthy of any interference by this Court, particularly in view of Rule 2.5 of Punjab Civil Service Rules (Ist

Amendment), 1994 Volume-I, Part-I, which clearly envisages that no application for correction of date of birth shall be entertained after two years of service.

4. For ready reference, Rule 2.5 *ibid* is extracted hereinbelow:-

“In regard to the date of birth, a declaration of age made at the time or for the purpose of entry into Government service shall, as against the Government employee in question be deemed to be conclusive. The employee already in the service of the Government of Punjab on the date of coming into force of the Punjab Civil Services(First Amendment) Rule, Volume-I, Part-1, 1994 may apply for the change of date of birth within a period of two years from the coming into force of these rules on the basis of confirmatory documentary evidence such as Matriculation Certificate or Municipal Birth Certificate etc. No request for the change of date of birth shall be entertained after the expiry of the said period of two years. Government, however, reserves the right to make a correction in the recorded age of a Government employee at any time against the interest of the Government employee when it is satisfied that the age recorded in his service book or in the History of service of a Gazetted Government employee is incorrect and has been incorrectly recorded with the object that the Government employee may derive some unfair advantage therefrom.”

A perusal of the rule *ibid* makes it evident that as long as it subsists, the petitioner is barred from getting his date of birth corrected, even if it is assumed that knowledge of said mistake on the part of petitioner was discovered at a later stage.

5. In the case of **State of M.P. & Ors. Vs. Premlal Shrivastava (Civil Appeal No. 2331 of 2004)**, the Apex Court while relying on previous enunciations concerning the issue, held as under:-

“9. It needs to be emphasised that in matters involving correction of date of birth of a government servant, particularly on the eve of his superannuation or at the fag-end of his career, the Court or the Tribunal has to be circumspect, cautious and careful while issuing direction for correction of date of birth, recorded in the service book at the time of entry into any government service. Unless, the Court or the Tribunal is fully satisfied on the basis of the irrefutable proof relating to his date of birth and that such a claim is made in accordance with the procedure prescribed or as per the consistent procedure adopted by the department concerned, as the case may be, and a real injustice has been caused to the person concerned, the Court or the Tribunal should be loath to issue a direction for correction of the service book. Time and again this Court has expressed the view that if a government servant makes a request for correction of the recorded date of birth after lapse of a long time of his induction into the service, particularly beyond the time fixed by his employer, he cannot claim, as a matter of right, the correction of his date of birth, even if he has good evidence to establish that the recorded date of birth is clearly erroneous. No Court or the Tribunal can come to the aid of those who sleep over their rights (See: Union of India Vs. Harnam Singh)”

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11. In State of U.P. & Anr. Vs. Shiv Narain Upadhyaya, while reiterating the aforesaid position of law, this Court has castigated the practice of raising dispute by the public servants about incorrect recording of date of birth in their service book on the eve of their retirement.”

6. On the contrary, learned counsel for the petitioner has relied upon **State of Punjab Vs. Sat Parkash, 2002(4) SCT 182, State of Haryana Vs. Chander Singh @ Chander Bhan, 1988(2) PLR 264 and State of Punjab Vs. Rachan Singh, 1991(2) SCT 298.** Having gone

through these citations, I am of the considered view that the same are not applicable to the case in hand. The aforesaid views came after threadbare consideration of the evidence adduced by way of trial, which is not the position herein.

7. Resultantly, there is no merit in the petition and the same is accordingly dismissed.

8. No costs.

(ARUN MONGA)
JUDGE

December 02, 2019
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |