

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

LPA-1595-2019 (O&M)

Date of decision:- 22.10.2019

Davinder Kumar Sidhu @ D.K. Sidhu

...Appellant

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA

Present:- Mr. Vijay Kumar Syal, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

The appellant has laid challenge to the judgement dated 08.07.2019 rendered by the learned Single Judge.

The facts necessary for adjudication of the appeal are that the appellant was appointed as Deputy Superintendent Jail, Grade-II in the year 1990 by way of direct recruitment conducted by Punjab Public Service Commission. At the time of appointment, his date of birth was recorded as 07.08.1960 in the service book. The State of Punjab in its wisdom had issued a notification dated 18.01.1995 for change in the date of birth for government employees which was modified subsequently on 10.05.1995.

According to the revised policy, the grievances for change in the date of birth of the government employees were to be looked into by the Commissioner of the place where the applicant was born. The appellant made a representation dated 31.05.1995 for change in his date of birth from 07.08.1960 to 10.09.1961. However, before the representation could be decided, the instructions dated 10.05.1995 were withdrawn vide letter dated 13.12.1995. However, subsequently in the year 1996, the earlier instructions were revived. On

21.06.1994, Rule 2.5 of the Punjab Civil Services Rules, Volume I, Part-I was amended. The learned Single Judge has considered all the contentions raised by the appellant by taking into consideration the circulars dated 18.01.1995 and 10.05.1995 and notification dated 21.06.1994.

A query was put to learned counsel for the appellant whether he had submitted the proof regarding the date of birth as recorded by the Municipal Corporation, Ludhiana at the time of his induction as Deputy Superintendent Jail, Grade-II. He fairly submits that the date of birth certificate issued by the Municipal Corporation, Ludhiana showing the date of birth as 10.09.1961 was not placed on record when the same was recorded in the service book as 07.08.1960. The learned counsel for the appellant has also placed on record a photocopy of the birth certificate. It is not the original certificate issued in his favour by the Municipal Corporation, Ludhiana. We have also gone through Note 1 and 3 of Rule 2.5 of the Punjab Civil Services Rules, the date of birth can only be corrected in very exceptional circumstances viz. clerical error and date of birth given by an employee in his application form at the time of seeking employment is to be treated as final and no change can be allowed after entering into government service. We find no illegality or perversity in the order of the learned Single Judge.

There is no merit in the appeal and the same is dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(RAJIV SHARMA)
JUDGE

22.10.2019

Amodh

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