

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

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CWP No.37166 of 2019

Date of Decision : 20.12.2019

Partap Singh

....Petitioner

v/s

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. Satbir Singh Gill, Advocate for the petitioner.

B.S. Walia, J. (Oral)

[1] Learned counsel contends that the date of birth of the petitioner as per service record is 15.08.1963, as is evident from the transfer certificate (Annexure P-1) dated 17.04.1997. However, the petitioner has been retired vide Order (Annexure P-3) dated 14.11.2019 w.e.f. afternoon of 31.08.2019, despite the petitioner having furnished particulars of his date of birth being 15.08.1963 in response to communication (Annexure P-2) dated 07.11.2019.

[2] Learned counsel contends that the petitioner has been retired from service w.e.f. afternoon of 31.08.2019 *in derogation* of his actual date of birth.

[3] Learned counsel contends that in the circumstances, the petitioner would be satisfied, if the writ petition is disposed of by directing respondent No.3 to consider the age proof submitted by the petitioner as per the service record and take a decision with regard to the claim of the petitioner for being entitled to continue in service till attaining the age of 60 years.

[4] Notice of motion.

[5] Mr. Harish Rathee, learned Senior Deputy Advocate General, Haryana, accepts notice on behalf of the respondents/*State* and states that he has no objection to the limited prayer of the petitioner.

[6] Without commenting upon the merits of the claim or the entitlement of the petitioner to the relief claimed, the writ petition is ***disposed of*** by directing respondent No.3 to consider the age proof submitted by the petitioner as per the service record and to decide the claim of the petitioner for being allowed to continue in service upto the age of 60 years within a period of 02 months from the date of receipt of certified copy of this order.

[7] Entitlement of the petitioner to continue in service upto attaining the age of 60 years on the basis of date of birth recorded as 15.08.1963 in transfer certificate (Annexure P-1) dated 17.04.1997 would be subject to decision by the competent authority.

(B.S. Walia)
Judge

December 20, 2019
'Rajneesh'

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