

CWP-10496-2020**Devika****Vs.****Municipal Corporation, Chandigarh and others**

Present: Mr. Barjesh Mittal, Advocate,
for the petitioner.

Notice of motion.

2. Mr. Anil Mehta, Advocate, to accept notice on behalf of respondents No.1 to 3. A requisite number of copies of the Paperbook be supplied to him.

3. The petitioner is aggrieved by an order, dated 06.02.2015 (Annexure P-3), vide which her claim, seeking rectification in her date of birth, has since been declined, as also the letter vide which she is sought to be retired from service on 31.08.2020, on attaining the age of 60 years.

4. The petitioner was initially engaged as Daily Wage Woman Coolie, in the U.T. Chandigarh Administration, w.e.f. 01.07.1984, and she continued as such till May, 1996. However, on coming into being of the Municipal Corporation, Chandigarh (respondent No. 1), pursuant to a notification, dated 20.05.1996 (Annexure P-1), services of the Daily Wage Beldars and Women Coolie (including the petitioner), were transferred to the Corporation.

5. Subsequently, vide letter dated 06.02.2015 (Annexure P-3), the Executive Engineer, Road Division No.3, Municipal Corporation, Chandigarh (who is also under respondent No.2, i.e. SE (B&R) Municipal Corporation, Chandigarh), circulated the tentative seniority list of Daily Wage Beldars/Women Coolie, to all the Sub Divisional Engineers, to cross-

thereto. In response, the Sub Divisional Engineer of another Sub Division, vide letter dated 24.02.2015 (Annexure P-4), forwarded the list of employees, to the Executive Engineer, Road Division No.3, Municipal Corporation, Chandigarh, to carry out corrections as regards their date of birth and other particulars. However, no such communications from the Office of respondent No.3 were issued or circulated amongst the Daily Wage Beldar/Women Coolie working under his control for carrying out any objection/corrections. Thereafter, the Office of Executive Engineer, Road Division No.1, Municipal Corporation, Chandigarh, vide his memo dated 19.03.2015 (Annexure P-5), circulated the final seniority list of Daily Wage Coolies/Women Coolies of Road Wing of Municipal Corporation, Chandigarh, wherein the name of the petitioner was figured at Serial No.107 and her Date of Birth as available on record of the respondents was changed from 07.09.1960 to 01.09.1960. Further, the services of the petitioner, as per her position in the seniority list, were regularized with immediate effect on the post of Woman Coolie vide Office order No.53, dated 16.10.2019 (Annexure P-6) and she submitted her Joining Report as regular Woman Coolie on 29.10.2019.

6. According to the petitioner, her wrong Date of Birth came to her notice only from the communication (Annexure P-3) and accordingly, she requested the respondent No.3 for carrying out the necessary correction on the basis of her documentary proofs (Annexure P-7), but to no avail. Accordingly, the present petition has been filed to seek direction to respondents for carrying out necessary correction in her Date of Birth, from 07.09.1960 to 19.09.1968.

7. *Ex facie*, the documents referred to above, show the date of birth of the petitioner as 19.09.1968. It is not disputed either that the said position remains unaltered to date. Even otherwise, a bare reading of the impugned order shows that the veracity or authenticity of the documents, such as Identity Card, Aadhaar Card, PAN Card of the petitioner, is not even remotely doubted or questioned.

8. In response, Ld. Counsel for the respondents submits that claim of the petitioner as also her grievance shall be considered and dealt with within three weeks from today and appropriate orders in accordance with law shall be passed and conveyed to the petitioner. In the event, the claim of the petitioner is declined, the authority shall pass a comprehensive order, after affording an opportunity of hearing to the petitioner and assigning reasons in support thereof.

9. In conspectus of the above, the petition is disposed off in the above terms.

23.07.2020
Apurva

(SUDIP AHLUWALIA)
JUDGE