

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

CWP-16701-2017

Date of decision: 5.3.2020

Rajinder Kumar

.....Petitioner.

vs.

Municipal Corporation Ludhiana and another

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Ms. Shikha Jaidka, Advocate for
Mr. J.S. Jaidka, Advocate for the petitioner.

Mr. A.K. Bazaz, Advocate for the respondents.

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Sanjay Kumar, J. (ORAL)

The grievance of the petitioner, a Safai Sewak in the Municipal Corporation, Ludhiana, is that his date of birth has been wrongly entered in his service record. According to him, his date of birth is 15.7.1982 but the same has been shown as 1.1.1974 in his service record.

The Municipal Coporation, Ludhiana, filed a written statement, pointing out that an employee is entitled to seek correction of his date of birth within two years from the date of entering into service. It, therefore, contended that it was not open to the petitioner to seek such correction at this stage, given the fact that he entered its service as long back as in the year 2012.

Further, Mr. A.K. Bazaz, learned counsel for the Municipal Corporation, Ludhiana, produced the original record. Perusal thereof reflects that the petitioner himself signed a self-declaration form, which

is in Punjabi, wherein his age was mentioned as 35 years. This form bears the signature of the petitioner in Punjabi. Therefore, even if it is accepted that the petitioner is not fully literate, he would be presumed to have understood the Punjab word for 'age' mentioned against the number 35, as he signed the said form in Punjabi. That apart, the record shows that upon his self declared age of 35 years, the petitioner was sent for medical examination and the doctor in-charge of the Chest Clinic of the Municipal Corporation, Ludhiana, certified that the petitioner appeared to be of 38 years of age.

The service book of the petitioner also contains the same date of birth, viz., 1.1.1974, and the petitioner affixed his thumb and fingers impressions thereon, without demur.

In these circumstances, the claim of the petitioner that his date of birth is different from that declared by him at the time of his entering into service cannot be accepted.

The writ petition is devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

5.3.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no