

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10565-2021

Date of decision: - 28.06.2021

Bimla Devi

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Deepender Singh, Advocate
for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.
(keeping in view the advance copy given).

Mr. Vishal Garg, Advocate
for respondent No.2.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present writ petition has been filed with a prayer that the date of birth of the petitioner should be treated as 25.07.1970 instead of 01.07.1961.

Learned counsel for the petitioner submits that though, at the time of appointment, the date of birth of the petitioner was described as 25.07.1970 (keeping in view the affidavit given by father of the petitioner), but she was wrongly stated to be 36 years old on being medically examined after her appointment. Learned counsel for the petitioner further submits that no reason has been given for recording the

date of birth in the record as 01.07.1961. Learned counsel for the petitioner further submits that as respondent Municipal Council was also in some doubt, hence, they wrote a letter on 30.04.2021 to the Civil Hospital, Jind, to guide the Municipal Council in respect of the objection being taken by the petitioner that her date of birth be treated as 25.07.1970 instead of 01.07.1961.

Notice of motion.

Mr. Sharad Aggarwal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State and Mr. Vishal Garg, Advocate, who has also joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.2.

Learned counsel appearing on behalf of respondent No.2 submits that Civil Surgeon, Jind has already opined on the letter dated 30.04.2021 (Annexure P-4).

On being asked, whether any appropriate order on the representation dated 15.04.2021 (Annexure P-3) submitted by the petitioner has been passed by the authorities or not, learned counsel for respondent No.2 submits that the same is still under consideration and appropriate order will be passed by 30.06.2021 positively and the said order will be conveyed to the petitioner as well.

Learned counsel for the petitioner submits that statement of learned counsel appearing on behalf of respondent No.2 satisfies the petitioner at this stage, but seeks a liberty to avail appropriate remedy, in

case, the order which is stated to be passed by the authorities on the representation, causes any prejudice to the petitioner.

Keeping in view the above, the present writ petition is disposed of with a direction to respondent No.2 to decide the representation dated 15.04.2021 (Annexure P-3) by 30.06.2021, the date on which, the petitioner reaches the age of superannuation in case her date of birth is being taken as 01.07.1961.

It will be appreciated that before passing the order, the authorities concerned should hear the petitioner in person and petitioner is directed to appear before the authorities on 29.06.2021 for personal hearing.

As the present writ petition is disposed of keeping in view the undertaking given by learned counsel appearing on behalf of respondent No.2, the objection of maintainability of the writ petition before this Court involving disputed question of facts being raised by the respondents is not being adjudicated at this stage.

(**HARSIMRAN SINGH SETHI**)
JUDGE

June 28, 2021
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Whether reasoned/speaking?	Yes
Whether reportable?	No