

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 1211 of 2021

Date of Decision: June 30, 2021

Maya

.....Petitioner

versus

General Public and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTALPresent:- Mr. Ram Bilas Gupta, Advocate
for the petitioner**Sudhir Mittal, J. (Oral)**

The petitioner is the plaintiff. She has filed a suit for declaration that her date of birth has been wrongly recorded in the service book and that the same should be corrected to 15.04.1973. The service book records the same as 01.07.1961. Considering this to be her date of birth, the petitioner is due to retire on 30.06.2021. Accordingly, an application for grant of ad interim injunction was filed which was rejected by the trial Court. The appeal has also been dismissed.

Learned counsel for the petitioner submits that the Aadhar Card, Pan Card as well as Birth Certificate issued by the competent authorities record the date of birth of the petitioner as 15.04.1973. The difference is of 12 years and, thus, irreparable loss would be caused to the petitioner in case she retires on 30.06.2021. *Prima facie* case is also in favour of the petitioner and, thus, the Courts below have erred in rejecting the application.

With the assistance of learned counsel for the petitioner, I have gone through the record. Learned appellate Court has observed that appointment was made in the year 1990 whereas application for correction was filed in the year 2018 i.e. after 19 years. The date of birth certificate is also of the year 2017 and, thus, it

is difficult to return a finding that a *prima facie* case exists in favour of the petitioner. Under the circumstances grant of ad interim injunction is not justified.

The aforementioned observations are not perverse requiring interference by this Court under Article 227 of the Constitution of India. Thus, the revision petition is dismissed. It is, however, clarified that in case the petitioner succeeds in her suit she shall not only be entitled to reinstatement but also to arrears of salary alongwith interest. The trial Court is directed to decide the suit expeditiously.

June 30, 2021
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No