

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

116+304

**CWP-6951-2022 (O&M)
DATE OF DECISION: 25.05.2022**

PARAMJIT SINGH

... Petitioner(s)

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND ORS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. A.K. Viridi, Advocate for the petitioner.

Mr. Mandeep Singla, Advocate for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a writ in the nature of mandamus to record the date of birth of the petitioner as 01.03.1971 which had been initially recorded at the time of his entry in service. He has also sought a writ in the nature of certiorari for quashing the order dated 13.07.2015 (Annexure P/2) whereby his date of birth was changed.

Learned counsel of the petitioner submits that the date of birth of the petitioner had been duly recorded as 01.03.1971 when he had joined service as Regular Team Mate (RTM). His date of birth could not have been changed by the Director as the competent authority to do the same is the Board. He further contends that the petitioner was never charge-sheeted before conducting an enquiry and therefore, this enquiry is vitiated.

Short reply by way of an affidavit of Additional SE, O&M Division Gurdaspur filed by the learned counsel for the respondents is taken on record. Learned counsel submits that the petitioner had initially entered

01.03.1970 as his date of birth. Later a complaint was received by the resident of the same village to which the petitioner belongs and after conducting an enquiry, it was found that the date of birth of the petitioner was 03.06.1964. Order of change of date of birth was passed by the Additional Superintending Engineer, P&M Division, Amritsar and approval of the Director Administration of the Board had been obtained before passing this order.

Heard.

The petitioner had entered service as a Team Mate in 1989. The date of birth at that time was 01.03.1971. On the receipt of a complaint for wrongly recording the date of birth, the respondents had enquired into the matter. An enquiry had been conducted by the Superintendent Engineer, P&M Division, Gurdaspur. A copy of the report is at Annexure P-22.

It has been stated in the enquiry report that the petitioner had joined Government Elementary School, Village Pannwa (Kalanaur) Road, Gurdaspur in Class I on 29.05.1970. He was, thereafter, admitted in Class 6th in Government Elementary School Jogowal, Bedian on 02.08.1976 and was relieved in Class 7th. The petitioner was admitted in matriculation in Government Senior Secondary School, Shahpur, Guraya (Gurdaspur) in 1988 and had done matriculation in 1989. It is mentioned in the report that the record from different schools had been obtained in this regard.

It is, thus, manifest that the petitioner had joined school in Class I in the year 1970 although the date of birth which he had been recorded while entering service was 1971. There is no averment in the petition to rebut the finding in the enquiry or to show that it is vitiated. There is neither any averment in the petition nor any material has been produced with regard to the

date the petitioner joined school and the name of the school which he had joined in Class I or thereafter. The Additional Superintending Engineer vide enquiry report dated 17.07.2014 (Annexure P-8) stated that the proof of birth of the petitioner at the time of his school admission was not available as the same had been destroyed due to a flood in 1988.

Therefore, there was adequate material before the respondents while making a change in the date of birth of the petitioner. The order has been passed by the Additional Superintendent Engineer after seeking approval from the Director Administration of the Board.

Consequently, I do not find any merit in this petition which stands dismissed.

Civil miscellaneous application, if any, also stands disposed of.

25.05.2022

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No