

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

LPA No.418 of 2022(O&M)
Date of decision: 06.07.2022

Gurdeep Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Bikramjit Singh Randhawa, Advocate,
for the appellant.

ARUN PALLI, J.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 10.02.2022, whereby the writ petition preferred by the appellant assailing the orders declining his prayer to correct his date of birth in the service record has since been dismissed.

Learned counsel for the appellant submits that the appellant was appointed as Driver on contractual basis on 28.09.1998. Even though, in the service book maintained by the department manually, the date of birth of the appellant was recorded as 20.12.1964, but in the online service book, his date of birth was mentioned as 20.12.1962, which was incorrect. Accordingly, the appellant moved the authorities vide representation dated 20.12.2020, to carry out the necessary corrections. Upon which, the authorities wrote to the Punjab School Education Board (for short, 'the Board') for verification of his date of birth. However, as the Board failed to furnish the requisite information, the authorities rejected his claim and he

retired from service on 31.12.2020. Though, subsequently, vide letter dated 22.03.2021, the Board verified that the earlier certificate issued to the appellant, showing his date of birth as 20.12.1962, was incorrect and the Board had already issued a duplicate certificate on 19.03.1998 with his correct date of birth. But, despite that being so, his claim was rejected by the authorities, for by that time he had already retired and there was no explanation as to why he chose to remain quite for almost 23 years. It is urged that as the learned Single Judge completely over-looked the response submitted by the Board: that date of birth of the appellant was 20th December, 1964 and not 20th December, 1962, thus, the impugned order and judgment is unsustainable.

We have heard learned counsel for the appellant and perused the record.

Concededly, the appellant was appointed as Driver on contractual basis on 28.09.1998. The record shows that his application dated 25.05.1998, seeking appointment, was accompanied by a copy of driving licence, matriculation certificate issued by the Board, detailed marksheet of matric, and a character certificate issued by Government High School, Racheen, District Ludhiana, and all these documents showed his date of birth as 20.12.1962. Not just that, even in the order dated 23.11.2011, vide which services of the appellant were regularized, his date of birth was mentioned as 20.12.1962. The appellant never questioned the said position for nearly two decades, when on 22.09.2017 he alleged to have represented to the authorities for correction of his date of birth. It is his own case that the said representation was not responded to, but, significantly, the appellant neither made any grievance nor complained against the purported indecision

by the authorities. For the appellant was slated to retire from service on 31.12.2020, he moved the authorities on 09.12.2020 for correction of his date of birth on the basis of a duplicate certificate issued by the Board, showing his date of birth as 20.12.1964. Accordingly, vide office letter No.PHSC/ Admn/4302, dated 17.12.2020, the authorities sent the said certificate to the Board for verification. But, as concededly no response was furnished by the Board, the appellant, as per his date of birth recorded in the service record, retired from service on 31.12.2020. As regards the response by the Board, post retirement of the appellant, the authorities reconsidered the matter but rejected his claim as albeit the Board had already issued him a duplicate certificate (vide serial No.9T5U-115755) on 19.03.1998 (**before his appointment**), showing his date of birth as 20.12.1964, yet he failed to produce the same while joining service. And, it was nearly after 23 years of his appointment, at fag end of his service, he made a claim for correction of his date of birth, which was not feasible and would have entailed multiple administrative complications. Thus, in the given circumstances, the only and the inevitable conclusion that could be recorded was: the appellant had no one else to blame but himself. Further, as observed by the learned Single Judge, the Supreme Court in **Bharat Cooking Coal Ltd. and others v. Shyam Kishore Singh**, 2020(3) SCC 411, has held that a request for change of date of birth in service record at fag end of service is not sustainable:

“7 ...Therefore, in that circumstance, when the opportunity available at the first instance in 1987 had not been availed and thereafter on 25.05.1998 when the respondent himself in the Provident Fund Nomination Form had indicated the date of birth as 04.03.1950 which corresponds to the date of birth entered in the

service register as on the date of commencement of the employment, merely because a verification was made from the Bihar School Examination Board and even if it was confirmed that the date of birth was 20.01.1955 such change at that stage was not permissible.”

In the wake of the position as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

06.07.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO