

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-3815-2023
Date of Decision: 06.11.2023

Daya Ram ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Deepak Grover, Advocate for the petitioner

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to release the petitioner's salary with effect from May, 2021 to date, along with interest.

2. As per short reply by way of affidavit of District Elementary Education Officer, dated 09.10.2023, Annexure R-3, the petitioner's date of birth is 22.11.1954. As per government instructions, dated 20.09.2019, Edusat Chowkidars above sixty five years of age are to be relieved from service. Based upon that learned State counsel contends that the petitioner was relieved from service in May, 2021 itself, on attaining sixty five years of age.

3. Learned counsel for the petitioner contends that the petitioner's date of birth has been wrongly taken as 22.11.1954 by the respondents.

Actually he was born on 20.05.1961, as is apparent from the official documents Permanent Account Number and Aadhar Card, Annexure P-1, issued to him.

4. Since there is a dispute on facts, and actual date of birth of the petitioner is to be ascertained, it can be done by leading evidence and not in exercise of the extraordinary jurisdiction by this Court.

5. In view thereof, the instant petition is disposed of granting liberty to the petitioner to file a civil suit to establish his actual date of birth, and raise the claim, if any, on that basis.

(TRIBHUVAN DAHIYA)
JUDGE

06.11.2023
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>