

**118 IN THE HIGH COURT OF PUNJAB & HARYANA,
CHANDIGARH**

CWP No. 5057 of 2023

Date of decision : March 15, 2023

Issa alia Isa

..... Petitioner

Versus

Punjab State Transmission Corporation Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Aakash Singla, Advocate
for the petitioner.

Pankaj Jain, J (oral).

Present petition has been filed under Article 226/227 of the Constitution of India for impugning the communication dated 30.12.2022 (Annexure P-2) whereby the petitioner has been asked to supply copy of requisite document that his terminal benefits can be processed keeping in view his date of retirement which falls on 31.3.2023 as per service record. The dispute raised qua the aforesaid communication is only to the limited fact that the date of superannuation has been mentioned as 31.3.2023. Learned counsel for the petitioner submits that immediately the petitioner served legal notice dated 26.2.2023 disputing that his date of birth is 15.3.1967 and not 15.3.1965. The same has been replied by the official respondents claiming as under:-

“3. a) According to the office record the DOB of Mr.Issa is 15.03.1965

and according to that his retirement date will be 31.03.2023.

Verification of the DOB 15.03.1967 by Numberdar is not sufficient.

ID card is also not sufficient to prove the DOB. Application form for the membership of Union is also not enough prove.

b) According to the service record of Mr. Issa has joined the job as work charge T.L.S.C. Sub Division P.S.E.B. Sangrur on 28.07.2000. Office T.L.S.C Sub Division, P.S.E.B Sangrur has verified the DOB date 15.03.1965 on service record.(copy is attached)

4. According to the record Shri Issa's retirement date is 31.03.2023 because his DOB is 15.03.1965.”

Learned counsel for the petitioner submits that as per service book relied upon by the officials there is a clear cutting wherein 15.3.1967 has been corrected to be 15.3.1965 on the basis of some affidavit. He submits that before passing the impugned order no opportunity of hearing was given to the petitioner and thus, the action of the official respondents need to be struck down. He further relies upon identity card issued wherein the date of birth of the petitioner has been mentioned as 15.3.1967 and not 15.3.1965.

Learned counsel for the petitioner is not in a position to dispute that as per service book there is a cutting but date of birth of the petitioner has been mentioned as 15.3.1965.

In the considered opinion of this Court, while exercising writ jurisdiction under Article 226/227 of the Constitution of India, the dispute related to date of

birth of an employee cannot be considered that too while he is nearing the age of

superannuation. Moreover, no document of unimpeachable character which can be legally translated into reliable evidence like date of birth certificate issued by Registrar Date of Births/School leaving certificate has been brought on record to substantiate the plea w.r.t. correct date of birth.

In view of the aforesaid circumstances, this court does not find any ground to entertain this writ petition.

However, the petitioner shall be at liberty to avail his appropriate remedy to establish his date of birth as being asserted hereinabove.

The writ petition is accordingly dismissed.

(PANKAJ JAIN)
JUDGE

March 15, 2023
archana

Whether speaking/reasoned Yes
Whether Reportable No