

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 1964 of 2023 (O&M)

Date of Decision: 03.07.2023

Dharampal

... Appellant(s)

Versus

CCS Haryana Agricultural University and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Nihal S. Chaudhary and Mr. Parveen Chauhan, Advocates
for the appellant(s).

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in ***Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157.***

2. An attempt made by the appellant to continue in service on account of the correction in the date of birth at the fag end of his service career has been thwarted by both the Courts below.

3. It is an admitted fact that the appellant himself disclosed that he was born on 01.04.1963 by way of a duly sworn affidavit. On the basis of the aforesaid affidavit, the service book was prepared and he continued to serve the University. The appellant's services were regularized in the year 1993, whereas, for the first time, in the year 2020, he started claiming that

there is an error in the service record. Both the Courts below have found that

the appellant has filed the suit after a period of 27 years. Moreover, the entry was made on the basis of affidavit sworn in by the appellant.

4. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent finding of facts recorded by both the Courts below. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

July 03, 2023
“DK”

(Anil Kshetarpal)
Judge

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No