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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18291-2020 (O&M)
Date of Decision: 22.12.2023

K. Udhayasuriyan

....Petitioner

Versus

Union Territory, Chandigarh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Sudesh Kumar Khurcha, Advocate
for the petitioner.

Mr. Sanjiv Ghai, Advocate
Mr. Parminder S. Kaul, Advocate and
Mr. Prateek Rathee, Advocate
for respondents No.3 to 5.

HARSH BUNGER, J. (Oral)

1. Petitioner (K. Udhayasuriyan) has filed the instant Writ Petition under Articles 226/227 of the Constitution of India seeking a writ in the nature of Mandamus for directing the respondents to make the necessary correction in the service record with regard to the date of birth and name of father of the petitioner.

2. After arguing for sometime, learned counsel for the petitioner submits that the petitioner would be satisfied if a decision is taken on his representation dated 28.02.2020 (Annexure P-6) submitted by the petitioner to the respondent-Authorities.

3. On the other hand, learned counsel for respondents No.3 to 5 has although objected to the prayer made in the Writ Petition regarding

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correction in the service record of the petitioner as regards to the date of birth and name of the father of the petitioner on the plea that the petitioner is a daily wager and in case, the date of birth is changed as requested by the petitioner from 12.03.1966 to 06.03.1969, in that eventuality, the day on which the petitioner entered the service i.e. 07.10.1986, the petitioner would be a minor. It is further submitted that in fact, in terms of the applicable Fundamental Rule 56, any such request for change in the date of birth would be barred being beyond the period of five years from the date of entry into service.

4. Since the petitioner has restricted his plea only for considering his representation (Annexure P-6) submitted by him to the respondent-Authorities, I do not see any reason for the Authorities in not considering the said representation dated 28.02.2020 in view of the applicable rules/law and to take a final decision thereon.

5. In view of the above and without commenting anything on the merits of the case, the present Writ Petition is disposed of with a direction to respondent No.1 to consider and decide the representation/legal notice (Annexures P-4 and P-6) submitted by the petitioner while passing a speaking order preferably within a period of 3 months from today.

6. Disposed of in aforesaid terms.

7. All pending application(s), if any, shall stand closed.

22.12.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No