

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

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**CWP No. 17067 of 2023
Date of Decision : 7.8.2023**

*Aas Mohd.**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Farukh Abdullah, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed seeking a writ of *mandamus* directing the respondents to engage the petitioner as a Beldar in Irrigation Department on Agra Canal, from where he was removed on 1.5.2022 on account of being over age.

2. Learned counsel for the petitioner contends that the petitioner's date of birth has wrongly been considered as 1.1.1960, as recorded in the Employees Provident Fund (EPF) passbook (Annexure P-5). He was actually born on 3.2.1963, which is recorded in his Matriculation certificate. It is only on account of this wrong recording, he was considered over-age and relieved from service.

3. Be that as it may, this Court cannot ascertain the petitioner's age on the basis of a document attached herein, since it is a disputed fact. Therefore, the petition is disposed of granting liberty to the petitioner to get his date of birth corrected in the EPF passbook on the basis of

Matriculation certificate or any other relevant document, as may be

advised, and thereupon move an appropriate representation to the concerned respondent seeking re-engagement.

4. Learned counsel for the petitioner contends that the petitioner will approach respondent no.3 with the corrected date of birth entry in the EPF passbook within one month from today, with an application seeking reinstatement. In case such an application is filed by the petitioner, respondent no.3 shall consider and decide the same in accordance with law by passing a speaking order, within a period of four weeks from the date of receiving the application.

(TRIBHUVAN DAHIYA)
JUDGE

7.8.2023
Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No