

2023:PHHC:108853

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-18329-2023 (O&M)
Date of Decision:-22.8.2023

Harjinder SinghPetitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Gahlawat, Advocate for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. The dispute in the instant case pertains to the age of the petitioner. While the petitioner claims that his date of birth is '3.5.1966', whereas the respondent – department has retired him on '31.7.2023' on the premises that he had completed the age of 58 years i.e. the age of superannuation.
2. Notice of motion.
3. On asking of the Court, Mr. Inderpreet Singh Kang, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
4. Learned State counsel has informed that several cases had come to the notice of the department regarding serious irregularities and tampering in the date of birth of some officers/officials of the department and vide order dated 7.7.2015 passed by Deputy Commandant General, Punjab Home Guards, all the Battalions/District Commanders were directed to check the case sheets of

the guards of the units and send their report. It has specifically clarified therein that the date of birth mentioned in the case sheet at the time of enrollment be treated as correct. A copy of aforesaid order dated 7.7.2015 has been furnished to this Court, which is taken on record.

5. Learned State counsel has also furnished a photocopy of 'Kendriya Long Roll', wherein the age of petitioner is mentioned as 22 years. It has been clarified that the said age was at the time of enrollment of the petitioner i.e. as on 1.8.1987. Learned State counsel has further submitted that the date of birth of the petitioner which is written as '3.5.1966' is on account of tampering of record and in respect of which the respondent – department concerned is intending to take action. A copy of aforesaid Kendriya Long Roll in respect of the petitioner has been furnished to this Court, which is taken on record.
6. Having regard to the aforestated position particularly the fact that the matter involves a disputed question of fact, this Court is of the opinion that the petitioner may have recourse to other alternate efficacious remedies as may be available to him including filing of a civil suit, if maintainable, or pursue the matter with the department concerned on the basis of evidence, the petitioner may be having with regard to his age such as Driving License, Ration Card, Passport, Bank Account or information furnished in this regard with any other authority.
7. The instant petition, as such, is disposed off.

22.8.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No