

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

CWP-3071 of 2024

Date of decision: 13.02.2024

Rajesh Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Surinder Garg, Advocate, for the petitioner.
Mr. T.P.S., Walia, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

1. Instant writ petition has been filed by the petitioner seeking a writ of *mandamus* directing the respondents to allow the petitioner to join his duties as he is not being allowed to perform his duties without any reasons.

2. Learned counsel for the petitioner contends that the petitioner was appointed as Safai Sewak on 21.03.1997 in Municipal Council, Gidderbaha, Sri Muktsar Sahib, and at the time of joining, his date of birth has been mentioned as 25.04.1973 on the basis of the affidavit submitted by the petitioner. Petitioner submitted another affidavit dated 25.01.2001 (Annexure P-2) stating that in the earlier affidavit dated 19.03.1997, he has wrongly mentioned his date of birth as 25.04.1973 whereas his actual date of birth is 25.04.1963. It is the case of the petitioner that the Municipal Council has passed a resolution No.20 dated 20.02.2001 vide which approval has been given to change the date of birth from 25.04.1973 to 25.04.1963. However, the said

resolution has been stayed by the Regional Deputy Director, Local Government, Bathinda, and vide letter dated 14.03.2001, respondent No.3 was informed that date of birth cannot be changed at this stage and thereafter the audit authorities have changed the date of birth of the petitioner and he is not being allowed to perform his duties after September, 2023. Learned counsel submits that the petitioner has served a legal notice dated 18.10.2023 (Annexure P-4) and he would be satisfied if a decision on the said legal notice is taken by respondent No.2 in a time-bound manner.

3. Notice of motion.
4. Mr. T.P.S. Walia, AAG, Punjab, accepts notice on behalf of the respondents and has no objection to the innocuous prayer made by learned counsel for the petitioner.
5. I have heard learned counsel for the parties and have gone through the record of the case.
6. Without expressing any opinion on the merits of the case or the claim being made by the petitioner in the present petition, respondent No.3 is directed to consider and take final decision on the legal notice dated 18.10.2023 (Annexure P-4) within a period of two months from the date of receipt of certified copy of this order.
7. Disposed of.

13.02.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No