

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
Neutral Citation No. 2024:PHHC:048007-DB

(115) LPA-527-2024 (O&M)
Decided on : 09.04.2024

Makhan SinghAppellant(s)

Versus

Punjab State Power Corporation Ltd. and othersRespondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present:- Mr. Prateek Sodhi, Advocate for the appellant.

Mr. R.S. Kalra, Advocate for respondents.

G.S. Sandhawalia, Acting Chief Justice (Oral)

Consideration in the present letters patent appeal is sought of the order dated 19.01.2024 of the learned Single Judge passed in CWP-1183-2024, whereby the writ petition filed by the appellant was dismissed. The learned Single Judge has dismissed the writ petition on the ground that it was a case where principle of res-judicata would apply and secondly the writ petitioner cannot be allowed to change his date of birth in the service record at the fag end of his service career. The change of date of birth from 04.05.1964 to 05.05.1965 was sought on the basis of the representations filed on 04.01.2022 (Annexure P-4) and 05.09.2023 (Annexure P-5).

The present case is a classic case where misuse of the liberty of access to justice is being resorted to. At the first instance extension in service was sought on account of the 60% disability to the eyes and extension of two years in service was taken by filing CWP No.14536 of 2022 knowing very

well that what is his date of birth. Having succeeded, the representations, thus, as such were pressed for change of date of birth at the fag end of service.

It is not disputed that the appellant has joined as Lower Division Clerk and was promoted to the post of Upper Division Clerk on 26.10.2010. His normal date of retirement was 31.05.2022, but on the basis of disability aspect his date of retirement has now come to 31.05.2024 and in view of the order passed by learned Single Judge he, thus, continues to be in service. The attempt as such to seek further extension on the basis of the correction of date of birth in the service record has rightly been nipped in bud by the learned Single Judge, whereby direction was sought to consider and decide his representations.

The Apex Court in **Government of India and another Vs. P. Venkatesh, (2019) 15 SCC 613** has held that ‘decide my representation *mantra*’ leads to unnecessary litigation and it is a classic case where the said principle was sought to be invoked and has been rightly curtailed. The appellant all along was very well aware as to what is his date of birth the moment he entered in service and for all these long years never agitated for the same. The learned Single Judge has relied upon plethora of judgments, which read as ***“Union of India Vs. Harnam Singh”, 1993 (2) SCC 162, “Burn Standard Co. Ltd. vs Shri Dinabandhu Majumdar”, 1995 AIR (SC) 1499, “State of Gujarat & Ors. Vs Vali Mohamed Dosabhai Sindhi”, 2006 AIR (SC) 2735, “Seema Ghosh vs Tata Iron & Steel Company”, 2006 AIR (SC) 2936, “Ambika Kaul Vs. Central Board of Secondary Education and others”, 2015 (3) SCT 350, “State of M.P. and other Vs. Premlal Shrivastava”, 2011 (9) SCC 664, “M/s Bharat Coking Coal Limited and others vs Shyam Kishore Singh”, 2020 (3) SCC 411, “Director, Directorate of School***

Education vs V. Ranganathan”, 2020(1) SCT 530 and “**Karnataka Rural Infrastructure Development Limited vs T.P. Nataraja and others**”, 2021(4) SCT 162. Resultantly, in such circumstances we do not wish to add to the bulk of the judgments.

Accordingly, in view of the settled principle, the present appeal is hereby dismissed in limine. All pending civil miscellaneous application including CM-1282-LPA-2024 for additional evidence, if any also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

09.04.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No