

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

133

CWP-12833-2024
Date of Decision : 28.05.2024

SEWA RAM ... PETITIONER

Versus

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

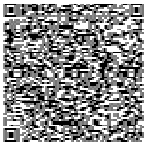
CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Amit Dhawan, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 15.10.2021 (Annexure P-3) whereby he was discharged from service and order dated 13.03.2024 (Annexure P-10) whereby respondent has upheld his discharge from service.
2. The petitioner claims that his date of birth is 30.04.1971 and respondent has wrongly relieved him on 15.10.2021 on the premise that he has turned 58 i.e. age of superannuation.
3. This is 2nd round of litigation. On the earlier occasion, he preferred CWP No.23398 of 2021 which was disposed of vide order dated 19.10.2023. The respondent was directed to decide his claim



expeditiously and preferable within a period of 04 months. The respondent by impugned order dated 13.03.2024 has rejected his representation. The respondent has held that the petitioner has produced different documents disclosing different dates of birth.

4. Mr.Amit Dhawan, Advocate submits that respondent has wrongly rejected petitioner’s claim. The documents produced by him clearly disclose that his date of birth is 30.04.1971 and respondent has wrongly considered 25.08.1970.

5. From the perusal of record, it comes out that different documents i.e. Pan Card, Aadhar Card and School Leaving Certificate etc. are disclosing different dates of birth. The matter needs to be adjudicated after appreciating evidence led by both sides. This Court in exercise of power conferred by Article 226 of Constitution of India cannot appreciate evidence led by the petitioner and the respondent.

6. The petition stands disposed of with liberty to the petitioner to approach the Court of competent jurisdiction.

(JAGMOHAN BANSAL)
JUDGE

28.05.2024
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>