IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 5732 of 2019

Dhaneshwar Ramani, about 51 years, Son of Shri Mangru Ramani, Resident of Village Dahua, near School, P.O. Kusumghati, P.S Boarijor, District- Godda, State Jharkhand, PIN Code-814147. ....**Petitioner**

Versus

1. Eastern Coalfield Limited through the General Manager (I/C), Rajmahal Group of Mines Area, Office Dhankundda, P.O. Bara Semra and P.S. Rajmahal, District Godda, Jharkhand.
2. The Manager, Eastern Coalfield Rajmahal Area, P.O. and P.S. Rajmahal, District Godda, Jharkhand. ....**Respondents**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. R.S. Mazumdar, Sr. Advocate
Mrs. J. Mazumdar, Advocate
For the Respondents : Mr. Rajesh Lala, Advocate

C.A.V. ON: 05.05.2025 **PRONOUNCED ON: 11/06/2025**

1. Heard learned counsels for the parties.

2. The instant writ application has been preferred by the petitioner praying therein for the following reliefs:-

(i) For directing the concerned respondents to make necessary correction in the service record of the petitioner with respect to his date of birth as wrong date of birth has been inserted in the service records as 12.11.1963 though the correct date of birth of the petitioner is 14.01.1968.

(ii) For quashing the notice of superannuation issued by the respondent authorities on 25.11.2022 as contained in Annexure-9 whereby it was informed that the petitioner would superannuate on 30.11.2023 by treating the date of birth of the Petitioner as 12.11.1963.

(iii) Further direction be given to the concerned respondents to correct the date of birth of the Petitioner in the service records as 14.01.1968 instead of 12.11.1963 and allow the petitioner to work till he attains the age of superannuation by construing his date of birth as 14.01.1968.

3. The brief fact of the case is that the petitioner was appointed as Shovel Operator under the respondent coal company. On 21.02.1998, two letters of provisional appointment has been issued to the petitioner and thereafter, the petitioner was appointed under the land loser scheme.

4. The case of the Petitioner is that in the provisional appointment letters, both dated 21.02.1998 having same letter number, issued to the Petitioner indicated the date of birth of the Petitioner as 14.01.1968 (Annexures-1 and 2 to the writ petition). Even the Identity Card which was issued reflects the same date of birth of the Petitioner which was mentioned in the provisional appointment letters i.e., 14.01.1968.

It is further the case of petitioner that he is having date of birth as 14.01.1968 which is also evident from matriculation certificate issued by the Bihar School Examination Board but the same was issued after his appointment and at the time of appointment the Petitioner had submitted school leaving certificate containing the same date of birth i.e., 14.01.1968.

5. The grievance of the petitioner is that just after the appointment, he was asked to submit his documents for verification. However, when the same was returned, there was an alteration in the date of birth i.e., instead of 14.01.1968, it was mentioned as 12.11.1963, for which, the Petitioner immediately represented the competent authority. Annexure-7 series has been annexed by the Petitioner showing his *bona fide*

that the moment he came to know about the alteration in the official documents, he approached the concerned respondents to do the needful.

6. Ld. Sr. Counsel for the Petitioner contended that the alteration done by the Respondent Authorities was behind the back of the Petitioner and he was having no knowledge about the said alteration. Further, even in the Form-B Register, the date of birth of the Petitioner is same what has been mentioned in the original provisional appointment letters.

It has been further submitted that it is not a case that the Petitioner is raising a dispute with respect to incorrect date of birth shown in his service record at the fag end of service; rather, right from the beginning, the Petitioner has been representing before the respondent authorities; however, nothing was done and a letter dated 25.11.2022 (Annexure-9) was issued to the Petitioner whereby it was informed that he would superannuate on 30.11.2023 by treating the date of birth of the Petitioner as 12.11.1963.

7. Ld. Sr. Counsel further draws attention of this Court towards Annexure-G to the counter affidavit filed by the Respondents which is the *"Medical Identity Card"* and submitted that from bare perusal of same it would transpire that although the date of birth of the Petitioner has been altered and recorded as 12.11.1963 in the concerned column; however, the date of retirement remained intact as 14.01.2028 which

clearly goes to show that with the *mala fide* intention for the reasons best known to the respondents, this mischief has been committed.

8. Learned counsel for the Respondents submits that the "Matriculation Certificate" which has been relied upon by the Petitioner was subsequent to the date of appointment. At the time of appointment, since the Petitioner was not a matriculate, he submitted his School Leaving Certificate. He further submitted that the law is well settled that at the fag end of service, law does not permit to raise grievance regarding correction in the date of birth. Moreover, in the altered certificate which was corrected by the management, was duly acknowledged by the Petitioner by putting his signature. As such, the Petitioner is not entitled for any relief.

He further relied upon the judgement passed in the case of ***BCCL v. Shyam Kishore Singh*** reported in ***(2020) 3 SCC 411*** wherein it has been held that prayer for change in date of birth in service register cannot be entertained at the fag end of service after accepting same to be correct, during entire service period *(Refer para 7 to 14)*.

9. Relying upon the settled proposition of law that no correction in the date of birth can be raised at the fag end of service, much less, after the superannuation of the concerned employee; he further submitted that it has been held by the Hon'ble Apex Court in the aforesaid judgment that correction in

the date of birth at the fag end of service would be at the cost of large number of employees, therefore, any correction at the fag end of the service must be discouraged by the Court and in the instant case, admittedly, the Petitioner has committed the same mistake; as such, no relief can be granted to the Petitioner.

10. Having heard learned counsels for the parties and after going through the documents annexed with the respective affidavits and the averments made therein, it appears that the grievance of the petitioner cropped up when he was asked to submit the original documents for verification and when the same was returned to him there was an alteration/cutting in few certificates including Medical Identity Card.

11. However, at this stage itself, it is pertinent to mention here that from bare perusal of the Medical Identity Card, which has been annexed as Annexure-G, it would transpire that in the column of age, there is an alteration/correction and 14.01.1968 has been altered to 12.11.1963. However, at the column of date of retirement; there was no correction which supports the argument of the Petitioner that with *mala fide* intention, the correction has been made. Further, there is no initial at the corrected column either of the Competent authority or of the Petitioner. Even in the Service register, there is a cutting at the column of date of birth by putting 12.11.1963 instead of 14.01.1968. However, though there is initial of some officer; however, there is no corresponding acknowledgement of the

petitioner himself. This document further fortifies the argument of the Petitioner that these changes have been made behind his back.

12. At this stage, it is also relevant to mention that a memorandum of settlement under Section 12(3) of Industrial Disputes Act was arrived at between the Management of Eastern Coalfields Ltd. and their workmen on 25.05.2007 wherein it has been stipulated at Point No.8 that the management agrees to dispose of the age-related disputes on priority basis and prior to their superannuation.

However, even in terms of memorandum of settlement, the concerned management has not acted upon the representation which has been annexed as Annexure-7 series because admittedly, in all those representations there are initials and stamp of the concerned authority of the respondent company.

13. Interestingly, in these peculiar facts and circumstances of the case, this Court vide its order dated 11.12.2023, has passed an order by observing that the date of birth mentioned in statutory Form-B is the only document which has to be considered. However, neither of the parties have brought the same on record and thereafter, this Court had directed the Respondents to bring on record statutory Form-B showing date of birth mentioned therein. For brevity, order dated 11.12.2023 is extracted hereinbelow: -

"Heard learned counsel for the parties.

Learned Sr. Counsel appearing on behalf of the petitioner argues that the date of birth based on school leaving certificate was entered in the service excerpts as 14.01.1968 but the respondents have interpolated the same and as such appropriate orders may be passed to consider case of the petitioner.

Mr. Rajesh Lala, learned counsel submits that though petitioner is claiming date of birth to be treated on the basis of school leaving certificate but the said certificate was never submitted before the authorities at the time of joining which is apparent from the attestation form. It was never mentioned as to whether petitioner was matriculate or not.

The date of birth mentioned in statutory Form-B is the only document which has to be considered. However, neither of the parties have brought the same on record.

Respondents are directed to bring on record statutory Form-B showing date of birth mentioned therein.

As prayed, put up this case on 17.01.2024."

14. Pursuant thereto; the Respondents have filed a supplementary counter affidavit on 12.01.2024 annexing the Form-B register. Surprisingly, in Form-B register, which is a statutory register of the employees, the age of the Petitioner has been mentioned as 14.01.1968 what was originally mentioned in the two provisional appointment letters and the Identity Card. This particular document falsifies and destroys the entire argument of the respondent coal company because admittedly, Form-B is the statutory Form which is maintained by the company.

15. It is also necessary to indicate that the law is well-settled that any action of the Government/Company which will be prejudicial to its employees must be done after giving proper notice to him. In the instant case, on the one hand, the entire correction/alteration, whatsoever, has been made behind the back of the Petitioner and on the other hand, the Form-B register which is statutory one, clearly speaks the truth.

16. The stand of the Respondents that the dispute regarding

date of birth cannot be raised at the fag end of service, much less, after the superannuation is correct and there is no quarrel with regard to the aforesaid proposition but in the case at hand; admittedly, several representations have been made by the Petitioner within couple of years of his appointment; however, the Respondents were sitting tight over the matter and all of a sudden in the year 2022, vide letter dated 25.11.2022, informed the Petitioner that he is going to retire on 30.11.2023.

17. Before parting it is necessary to mention that since there was a claim and counter claim with regard to the cutting mentioned in the official service record, this Court vide order dated 02.07.2024, directed to the Respondents to bring all the original records upon which they were relying. Pursuant thereto, the original records were produced before this Court in sealed cover and after verification of the same, the same was returned which is reflected in the order dated 05.05.2025. In those original documents, it was crystal clear that there was cutting in few documents; however, there was no initial in one of the documents as stated hereinabove and in none of the documents there were initials of the Petitioner acknowledging the correction. Further, in the Form-B it was clearly indicated that the date of birth of the petitioner is 14.01.1968.

18. Having regard to the aforesaid discussions, the impugned letter dated 25.11.2022 (Annexure-9), whereby it was informed that Petitioner would superannuate on 30.11.2023 by treating

his date of birth as 12.11.1963, is quashed and set aside and the Respondent Company is directed to make necessary correction in the service record of the Petitioner with respect to his date of birth, inasmuch as, this Court holds that the same has been wrongly inserted in the service records as 12.11.1963 instead of correct date of birth of the Petitioner as 14.01.1968.

19. However, even after calculating the date of birth as 14.01.1968; the Petitioner would have retired till date; as such, there can be no direction to the Respondents to reinstate him in service. As such, interest of justice would be sufficed by directing the Respondents to pay a compensation to this Petitioner. Accordingly, the Respondents are directed to pay a compensation of Rs.10,00,000/- (Ten Lakh) only to the Petitioner within a period of 12 weeks from the date of receipt/production of copy of this order.

20. Accordingly, the instant writ application stands allowed. Pending IAs, if any, also stands closed.

(Deepak Roshan, J.)

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