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

**RSA-567-2025 (O&M)
Date of Decision: 31.07.2025**

Punjab State Power Corporation Ltd. and othersAppellants

Vs.

Mahavir ThakurRespondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Sushane Puri, Advocate,
for the appellants.

Mr. Vijay Lath, Advocate,
for the respondent.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 29.07.2023 passed by the learned Civil Judge (Junior Division), Rupnagar, whereby, the suit for declaration filed by the respondent was decreed in his favour and the judgment and decree dated 05.12.2024 passed by the learned District Judge, Rupnagar, whereby, the appeal filed by the appellants against the judgment and decree dated 29.07.2023, was dismissed.

2. Brief facts of the case are that the respondent joined services of the appellant-PSPCL on daily wage basis in the year 2003. Thereafter, he was made Work Charge in the year 2005. He was promoted as Assistant Line Man on 26.03.2019. Vide order dated 25.03.2019, respondent was



transferred to Samrala. His salary was withheld by making correction/alteration in his service record. His date of birth was incorporated as 02.06.1962 and on the basis of the same, he was retired from service on 30.06.2020. He filed a civil suit for declaration to the effect of tampering of the date of birth of the respondent by the appellants in the service record from 02.07.1972 to 02.06.1962 and on the basis of the same, his retirement w.e.f 30.06.2020, is wrong, illegal, null and void. The civil suit filed by him was decreed in his favour vide judgment and decree dated 29.07.2023 passed by the learned Civil Judge (Junior Division), Rupnagar. The appeal filed by the appellants against the judgment and decree dated 29.07.2023 was dismissed by the learned District Judge, Rupnagar, vide its judgment and decree dated 05.12.2024. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that both the Courts did not appreciate the evidence on record and decreed the suit filed by the respondent in his favour and the appeal filed by the appellants was also wrongly dismissed by the learned District Judge, Rupnagar. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondent submits that the learned Civil Judge (Junior Division), Rupnagar, has rightly decreed the suit in favour of the respondent and the appeal filed by the appellants has rightly been dismissed by the learned District Judge, Rupnagar. He, therefore, prays that the present appeal be dismissed.



5. I have heard learned counsel for the parties and perused the case file with their able assistance.

6. The undisputed facts are that the respondent was working with the appellants since 2003 as daily wager and was made work charge in the year 2005. Further, he was promoted as Assistant Line Man in the year 2019 and retired as such from service on 30.06.2020. The dispute in the present case is regarding the date of retirement on the basis of date of birth mentioned in the service record. As per the respondent, his actual date of birth is 02.07.1972, which was later on changed to 02.06.1962, vide entry dated 13.01.2020. As per respondent, the change was made in the year 2020 by the officials of the appellant-PSPCL to forcibly retire him from service. The respondent himself was examined as PW-4. Manoj Kumar, USW Operation, O/o Additional Superintendent Engineer, Rupnagar, was examined as PW-1, who produced the service record of the respondent. Service book of the respondent was produced by him, which is Exhibit P-1. Along with service record, he also produced matriculation certificate of the respondent, which is Exhibit P-2. He stated that matriculation certificate (Exhibit P-2) was issued by the Bihar Sanskrit Shiksha Board. As per service record (Exhibit P-1) of the respondent, date of birth is mentioned as 02.07.1972 and below the said date of birth, there is an entry of correction of date of birth from 02.07.1972 to 02.06.1962, which is signed by the then AEE, Cost Handling, GGSSTP, Rupnagar. The said correction is dated 13.01.2020. Respondent joined service with the appellant-PSPCL in the



year 2003 and his date of birth being 02.07.1972 continued from 2003 to 13.01.2020 when the correction was made in it. As per case of the appellants, it was a mistake in the date of birth by the respondent that is why they changed his date of birth from 02.07.1972 to 02.06.1962. During the entire evidence on record, there is nothing to show that the date of birth mentioned in service record of the respondent was wrong and required to be corrected especially without issuing any notice to the respondent. Upendra Kumar Minhas, Assistant Examination Controller, Bihar Sanskrit Siksha Board, was examined as PW-2 to prove the matriculation certificate of the respondent. He produced the Hindi version of the said matriculation certificate (Exhibit P-4), which was issued by the Board on 16.01.2020. The matriculation certificate (Exhibit P-2) attached with service book reveals that the said certificate is in Sanskrit language. Further, respondent relied upon other documents i.e. his driving licence, Aadhar Card and PAN Card, which are part of record as Exhibit P-13 to Ex.P-15, wherein, his date of birth has been mentioned as 02.07.1972. A combined reading of Exhibit P-1, Exhibit P-2, Exhibit P-4, Exhibit P-10, Exhibit P-11 to Exhibit P-13 establishes that date of birth of the respondent is 02.07.1972 and not 02.06.1962. Only because of the language in the date of birth certificate, the confusion arose which was clarified by Hindi version of the matriculation certificate (Exhibit P-4) issued by the Board on 16.01.2020. A perusal of the judgment and decree dated 29.07.2023 shows that the learned Civil Judge (Junior Division), Rupnagar, has categorically dealt with the evidence on record,



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documentary as well as oral, and has rightly decreed the suit in favour of the respondent. Since there is no infirmity in the judgment and decree dated 29.07.2023 passed by the learned Civil Judge (Junior Division), Rupnagar, therefore, the appeal filed by the appellants was rightly dismissed by the learned District Judge, Rupnagar, vide its judgment and decree dated 05.12.2024.

7. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 29.07.2023 passed by learned Civil Judge (Junior Division), Rupnagar and judgment and decree dated 05.12.2024 passed by the learned District Judge, Rupnagar, and the same are hereby upheld.

8. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs.

9. Decree sheet be drawn.

10. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

31.07.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No