



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

CWP-12911-2025

Date of Decision: 07.05.2025

Chand Ram

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajesh Bansal, Advocate,
for the petitioner.

Ms. Rajni Gupta, Addl. A.G., Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking setting aside of speaking order dated 31.03.2025 (Annexure P-18) whereby respondent has refused to correct his date of birth in the service record.

2. The petitioner claims that his actual date of birth is 15.06.1971 whereas in the service record it is recorded as 15.06.1967. He joined respondent as regular employee on 01.10.1993. He was promoted as Cleaner in March' 2011 and further as Driver on 28.10.2016. He filed representation dated 23.09.2024 to respondent alongwith different documents claiming that his date of birth is 15.06.1971 instead of 15.06.1967. On the directions of this Court, the respondent



has passed impugned order whereby his representation has been rejected. The relevant extracts of the impugned order are reproduced as under:-

“4. That the employee Sh. Chand Ram submitted his representation on 23.09.2024 alongwith documents with a request to correct his date of birth from 15.06.1967 to 15.06.1971. In the said representation, he has mentioned that at the time of regularization he has wrongly got entered his date of birth as 15.06.1967 as he had not procured the school certificate, which he was received in the year 2013. As per the School Certificate, his date of birth recorded as 15.06.1971.

5. That Sh. Chand Ram. alongwith his representation dated 23.09.2024 annexed the following documents for making the correction his date of birth as 15.06.1971 instead of 15.06.1967:-

- i) An affidavit: dated 23.10.2024.*
- ii) Aadhar Card No. 2580-8357-0892 having DOB as 15.06.1971.*
- (iii) PAN Card No.. BAVPR3139K having DOB as 15.06.1971.*
- iv) HSVP Identity Card having his DOB as 15.06.1971*
- v) School Certificate issued by the Govt. Secondary School, Garhi Harsaru dated 07.12.2024*

6. That the representation of the employee Sh. Chand Ram which is submitted alongwith the above mentioned documents was considered. I have gone through the record and the documents submitted by Sh. Chand Ram alongwith his representation and after going through the record and the documents, it transpires that the original Date of Birth given by the applicant as 15.06.1967 was not a bonafide mistake as he was well aware that if the Date of Birth is shown as 15.06.1971 at the time of appointment as Mali on TMR basis, he has not completed the 16 years of age on 28.09.1986. On 28.09.1986, he had completed the age of 15 years 3 months and 15 days as

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per his original date of birth as 15.06.1971 but he had bonafidely given his date of birth as 15.06.1967, so that he may enter in the government service, this shows that the petitioner had taken unfair advantage at the time of entry in the government service.

7. *That after examining the whole of the service record and documents submitted by Sh. Chand Ram, it reveals that for correction of his Date of Birth from 15.06.1967 to 15.06.1971 is not upto the satisfaction of the undersigned as Sh. Chand Ram, Driver S/o Sh. Sudan Ram had joined as Mali on TMR basis on 28.09.1986, when he was only 15 years 3 months and 15 days old, if his DOB is considered as 15.06.1971.*

He was regularized on 03.08.1993 vide the Chief Engineer HSVP Panchkula memo no. 14779 dated 01.10.1993, (considered 01.04.1993 for regularization vide the Chief Administrator, HSVP Panchkula memo no. 19826 dated 22.04.2013) and as per the medical certificate issued by Chief Medical Officer, Gurugram, he has mentioned himself as illiterate with his Date of Birth mentioned 15.06.1967. Based on Certificate issued by the Chief Medical Officer, Gurugram his date of birth has been mentioned as 15.06.1967 in service book and all the correspondence till date. The employee Sh. Chand Ram had submitted an affidavit in the office of Chief Medical Officer Gurugram as directed to him before joining on the regular post of Mali. In the Verification Form which is also attested by the Petitioner, is clearly mentioned (in Hindi) that during his service if any false statement is found, service of the employee would be terminated.

On 26.11.2002, after the period of 09 years, 03 Months, 23 days, Sh. Chand Ram has verified the HUDA Provident Fund Number under HUDA Provident Fund Rules 2001 duly signed by him and mentioning his Date of Birth as 15.06.1967. He has

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also submitted a nomination form duly signed by him by mentioning his date of birth as 15.06.1967.

*Sh. Chand Ram had also requested for **updating his educational status in his Service Book in the year 2014**, received in this office through SDE (H) HSVP Gurugram Memo no. 107 dated 22.01.2014. Here it is worthwhile to mention that he has requested for updating educational status and not rectification of his date of birth for which he has claiming in his petition.*

Sh. Chand Ram was Promoted to the post of "Cleaner" from "Mali" vide this office order No. 1322 dated 05.03.2014. He was further promoted to the post of "Field Driver" from "Cleaner" vide this office order No. 4556 dated 28.10.2016. Thereafter, Sh. Chand Ram was sent to Municipal Corporation Gurugram on deputation on 31.08.2020.

Sh. Chand Ram requested the Sub Divisional Engineer (Hort.) HSVP Gurugram for rectification in his Date of Birth in his service book vide his representation dated 23.09.2024 i.e. after a period of 31 years 01 month and 20 days). Thereafter the SDE (H) HSVP Gurugram vide Office Memo no. 274 dated 07.11.2024 & Memo no. 305 dated 05.12.2024 forwarded the application of the employee (Sh. Chand Ram) to Hort. Divisional Office HSVP, Gurugram.

This office vide the Executive Engineer (Hort.) HSVP Gurugram letter No. 3288 dated 17.12.2024 was requested for issuing necessary guidelines regarding the application of the Petitioner. This office vide letter No. 352989 dated 30.12.2024, issued an observation that a gap/lapse of approx. 30 years is not justified though he also directed to get the case legally



examined by the ADA/DDA office of the Administrator, HSV P Gurugram.

The Administrator, HSV P Gurugram vide its office Memo no. 1458 dated 13.02.2025 has informed this office that the case of Chand Ram has been examined from the ADA/DDA of her office and stated that the alteration in date of birth cannot be entered after a gap of 32 years of regular service in the service book, quoting the judgment given on 09.02.1993 by the Hon'ble Supreme Court of India in Civil Appeal 502 of 1993 (Union of India Vs Harnam Singh). ”

3. Mr. Rajesh Bansal submits that petitioner has not sought correction of his date of birth in testimonials whereas he is claiming correction in service record. The respondent wrongly recorded his date of birth which needs to be corrected. He is deprived of benefit of 4 years' service because of incorrect date of birth.

4. From the perusal of impugned order, it is evident that respondent has recorded reasons for rejecting claim of the petitioner. He filed representation after 31 years from the date of joining service. If his contention is accepted, he would be 15 years old on the date of joining service which is unbelievable. The respondent has further relied upon Rule 7.3 of Chapter VII of Punjab Financial Rules, Volume-1 (as made applicable to Haryana Government Employees). The said Rule is reproduced as below:-

“7.3 Every person newly appointed to a service or a post under Government should at the time of appointment declare the date of his birth by the Christian era with confirmatory evidence as far as possible confirmatory documentary evidence such as Matriculation Certificate, Municipal birth certificate and so on. If the exact date is not known as approximate date may be given. The actual date or



the assumed date determined under note I below should be recorded in the History of Service, Service Book or any other record that may be kept in respect of the Government employee's service under Government and once recorded, it cannot be altered except in the case of a clerical error, without the previous orders of Government. See also Annexure-A to this Chapter

Note 1.— (a) If a Government employee is unable to state his exact date of birth but can state the year, or year and month of birth, 1st July, or the 16th of the month, respectively, may be treated as the date of his birth

(b) If a Government employee is only able to state his approximate age, his date of birth may be assumed to be the corresponding date after deducting the No. of year representing his age from his date of appointment.

(c) When a Government employee who first entered military employ is subsequently employed in a civil Department the date of birth for civil employment should be the date stated by him at the time of attestation, or if at the time of attestation he stated only his age, the date of birth should be deducted with reference to that age according to the method indicated in sub-para (b) above."

5. In view of afore-cited Rule as well as findings recorded by the respondent, this Court is of the considered opinion that respondent has correctly rejected claim of the petitioner.

6. In the wake of above discussion, instant petition deserves to be dismissed and accordingly dismissed.

07.05.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	Yes