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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-10-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 28800 and 38836 of 2024

CNR:{HCMA011733352024}

and

WMP No. 5992 of 2025

V.Murugesan

..Petitioner

Vs

Bharat Heavy Electricals Limited
Represented by its General Manager
Ranipet

..Respondent

WP No. 38836 of 2024

CNR:{HCMA012366352024}

M.Raja

..Petitioner

Vs

Bharat Heavy Electricals Limited
Represented By Its General Manager,
Ranipet

..Respondent

Prayer in W.P.No.28800 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to correct the petitioner's date of birth as 15.05.1968 instead of 10.04.1965 in all his service records and consequentially issue corrected identity card and pay Slip.

Prayer in W.P.No.38836 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to correct the petitioners datd of birth as 05.02.1968 instead of 01.07.1965 in all petitioner service records, consequentially issued correct identity card and Pay

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Slip by considering petitioner representation dated 20.05.2024

For Petitioners: Mrs.Srividhya
for Aravindan

For Respondent: Mr.F. B. Benjamin George

COMMON ORDER

These Writ Petitions have been filed by the petitioners for the issuance of a Writ of Mandamus directing the respondent to correct the date of birth of the petitioners in all the service records of the petitioners, consequentially issued correct identity card and Pay Slip.

2. The learned counsel for the petitioners submitted that the petitioners joined as a chef and staff member respectively in the year 1985, in the canteen run by the Indco Serve Society within the respondent Company's factory premises at Ranipet, with effect from 10.07.1985 and 01.03.1985 respectively. Subsequently, due to a litigation between the respondent and the petitioners, an industrial dispute was raised, wherein the Labour Court passed an award dated 19.12.1999 directing the regularisation of the petitioners services from the dates of their initial appointments in 1985. Challenging the same, BHEL filed a writ petition, wherein the Writ Court confirmed the order of the Labour Court, but modified the date of regularisation qua from the date of the award. Aggrieved by the same, BHEL preferred a writ appeal as well as a Special Leave Petition

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(SLP) before the Hon'ble Supreme Court, both of which were dismissed.

3. The learned counsel for the petitioners further contended that, at the relevant point in time, the petitioners did not notice their dates of birth as entered in the records. However, immediately upon receipt of the appointment letters, they verified the records and realized that their dates of birth had been wrongly entered. According to the petitioners, their correct dates of birth are 15.10.1968 and 05.02.1968 respectively. The learned counsel for the petitioners also relied upon the rules of the respondent company, according to which any request for alteration of date of birth must be submitted within a period of one year. It is submitted that, in the case in hand, immediately on receipt of the offer letters, the petitioners submitted representations to modify their dates of birth. However, since the respondent has not taken any action, the petitioners have prayed for the issuance of a Writ of Mandamus.

4. Per contra, the said contention was strongly opposed by the learned Standing Counsel appearing for the respondent, who contended that according to the rules of BHEL, a Matriculation Certificate is the only reliable document for this purpose, and any application for alteration of the date of birth must be submitted within a period of one year from the date of entry into service. He submitted that, in the case in hand, the petitioners had originally joined the Indco Serve Society in the year 1985, at which point of time, they had declared

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their dates of birth as 10.04.1965 and 01.07.1965 respectively. Thereafter, the very same dates of birth were furnished by them in the Employees' Provident Fund (EPF) forms, which stand fortified by their PAN cards, Electoral Cards, and Aadhaar cards. Furthermore, even after receiving their orders of appointment on 01.06.2023, the petitioners declared their dates of birth as 10.04.1965 and 01.07.1965 respectively in their personal bio-data forms. It was only thereafter that the petitioners came forward with the present request to alter their dates of birth at the fag end of their careers. Therefore, it is his contention that since the petitioners have consistently maintained their dates of birth as 10.04.1965 and 01.07.1965 from the inception of their service, they cannot now turn around and seek an alteration to the year 1968 based on their Transfer Certificates. It is also his contention that the Transfer Certificate could be fabricated documents. Hence, he prayed for the dismissal of the writ petition.

5. I have given my anxious consideration to either side submissions.

6. The main contention put forth by the learned counsel for the petitioners is that though the petitioners have joined in the society in 1985, an offer of appointment was given only in the year 2023 after the culmination of the litigation up to the level of Supreme Court. Only at that time, they came to know about this mistake. It is submission of the learned counsel for the petitioners that since the petitioners being the employees of the respondent,

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under the standing orders of the Bharat heavy electricals limited, the date of birth can be altered within one year from the date on which the original date of birth is recorded in the service record sheet. In the case in hand, as the offer of appointment was given on 01.06.2023, within a year they have given such request. Though Such a submission appears to be attractive, admittedly the petitioners, had joined the co-operative society, run by the BHEL, and from 1985 to 2023, the petitioners did not take any steps to change their date of birth. Furthermore, it is not the case of the petitioners that the date of birth entered into the relevant records of the society was not made by the petitioners.

7. On perusal of the documents submitted by the respondents, it is seen that in the service register of the society, the signatures of the petitioners are present, wherein their dates of birth were recorded as 10.04.1965 and 01.07.1965 respectively, and their dates of joining as 30.06.1986 in the Membership register maintained by the Society. Furthermore, even in the Employees' Provident Fund (EPF) forms, they have mentioned their dates of birth as 10.04.1965 and 01.07.1965 respectively.

8. It is not the case of the petitioners that their dates of birth were wrongly recorded without any basis. On the other hand, their PAN cards and Aadhaar cards also reflect their dates of birth as 10.04.1965 and 01.07.1965 respectively. No doubt the petitioners were given an offer of appointment on 01.06.2023,

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however, on perusal of the offer of appointment, it was construed that their appointment is from 17.12.1999. Therefore, though the learned counsel for the petitioners would contend that they entered the service of the respondent company only in the year 2023, the fact that their date of appointment was directed to be given with effect from 17.12.1999 would assume much significance, so as to rely upon the dates of birth referred to, at the time of their joining in the society.

9. Had there been any attempt in the interregnum to alter the records which was not at all resolved by the society and if such a dispute had been brought before this Court, this Court would have had some window to interfere. Though the petitioner relied upon their Transfer Certificates, which refers the date of birth as 15.05.1968 and 05.02.1968 respectively, the contention of the respondent that the petitioners did not evince any interest to change their dates of birth in accordance with Transfer Certificate for almost forty years assume significance. Now, as per the original dates of birth registered in the records of the Society, the petitioners have already been superannuated.

10. At the juncture, it is relevant to refer the judgment of the Hon'ble Division Bench of this Court in ***W.A.No.344 of 2022*** wherein, this Court has heavily came down against the attitude of an employee to filing an application for change of date of birth at the fag end of their career.

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11. Therefore, this Court is of the firm view that there are no reasons to issue a Writ of Mandamus. Though this Court has arrived at such a conclusion on merits, notwithstanding the same, even on account of delay and laches, the present Writ Petition is liable to be dismissed since the petitioners joined the service in the year 1985 and did not take any steps to alter their dates of birth until 2023.

12. Accordingly, these Writ Petitions stand dismissed. Consequently, connected miscellaneous petition is closed. No costs.

29-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

SHL

To:

Bharat Heavy Electricals Limited
Represented by its General Manager
Ranipet

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C.KUMARAPPAN J.

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