



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

Sr. No.216

**CWP-14188-2021 (O&M)
Date of decision: 02.04.2026**

Jarnail Singh

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Surinder Garg, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

DEEPINDER SINGH NALWA, J.(Oral)

1 In the present writ petition, the petitioner is praying for issuance of directions to the respondents to take back the petitioner in service by considering his date of birth as 17.03.1972 instead of 15.05.1962.

2. The brief facts of the case are that the petitioner was appointed as a Guard with the Punjab Home Guards on 20.03.1992. As per the respondents, the petitioner's date of birth is 15.05.1962 as per the service record. The petitioner retired on 31.05.2020 on attaining the age of superannuation taking into consideration the abovesaid date of birth i.e. 15.05.1962. As per the petitioner, his date of birth is 17.03.1972 and as



such, the petitioner has a right to continue in service till 31.03.2030. The petitioner served a legal notice dated 15.03.2021 (Annexure P-7), wherein, a request was made by the petitioner to take him back in service taking into consideration his date of birth as 17.03.1972 instead of 15.05.1962. The department duly filed a reply to the abovesaid legal notice dated 15.03.2021 (Annexure P-7) and rejected the claim of the petitioner for reinstatement in service taking into consideration the date of birth of petitioner as 15.05.1962. Aggrieved against the action of the respondents in not taking the petitioner back in service by taking into consideration his date of birth as 17.03.1972, the petitioner has filed the present writ petition.

3. The only contention raised by the learned counsel appearing on behalf of the petitioner is that after the petitioner was appointed in service, identity cards were issued by the respondents to the petitioner which are attached as Annexures P-2 and P-3. Learned counsel submits that a perusal of the abovesaid identity cards issued by the respondents would show that the date of birth has been mentioned as 17.03.1972 and not 15.05.1962. As such, the petitioner is entitled to be taken back in service and has a right to continue in service till 31.03.2030.

4. On the other hand, learned counsel appearing on behalf of the respondents-State submits that the petitioner, only after retirement, has made a request for taking him back in service on the ground that his date of birth is 17.03.1972 and not 15.05.1962. He further submits that no



reliance can be made on Annexures P-2 and P-3, as the same are only identity cards. Learned counsel relies upon the enrollment form (Annexure R-1) submitted by the petitioner at the time of appointment, wherein the petitioner has mentioned his date of birth as 15.05.1962 and submits that in light of declaration given by the petitioner on enrollment form that his date of birth is 15.05.1962, the claim made by the petitioner for taking him back in service by considering his date of birth as 17.03.1972 cannot be accepted.

5. I have heard the learned counsel appearing on behalf of the parties at length and have perused the record with their able assistance.

6. The only issue involved in the present case is whether the petitioner is entitled to be taken back into service by considering his date of birth as 17.03.1972. A perusal of the facts of the present case would show that during the service, the petitioner did not approach the department in regard to change of his date of birth. It is not in dispute that at the time of enrollment in service, the date of birth mentioned by the petitioner was 15.05.1962. Taking into consideration that the petitioner himself has mentioned his date of birth as 15.05.1962 at the time of enrolment in service, as such, the petitioner cannot take the benefit of the identity cards (Annexures P-2 and P-3) issued to him by the respondents at a belated stage. It is well settled law that at the fag end of the career, an employee cannot seek for a change of his/her date of birth and claim retention in service.



7. Taking into consideration the facts of the present case, this Court finds no merit in the present writ petition and the same is hereby dismissed.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

02.04. 2026
Ramandeep Singh

Whether speaking / reasoned	Yes / No
Whether Reportable	Yes/ No