

CWP-20924-2023(O&M)

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

(232)

CWP-20924-2023(O&M)
Date of Decision :11.02.2026

Brij Mohan Sharma**.. Petitioner**

Versus

**Punjab State Transmission Corporation
Limited (Transo) & ors.****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Deepak Gupta, Advocate
for the petitioner.

None for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of *certiorari* for setting aside/quashing the impugned resolution dated 02.08.2018 (Annexure P-11) passed by respondent No.3-Board of Directors, PSPCL and order dated 04.10.2018 (Annexure P-12) passed by respondent-Chief Engineer/Thermal, Guru Nanak Dev Thermal Plant (for short 'GNDTP'), Bathinda whereby the request of the petitioner to change his date of birth in the service record and grant consequential benefits, was rejected. Further, a prayer has been made to issue directions to the respondents to correct the petitioner's date of birth in the service record and grant him the consequential benefits along with interest at the rate of 18%

p.a.

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2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined the service of the Punjab State Electricity Board on 20.10.1973 as a T-Mate on work charge basis at GNDTP, Bathinda. At that time, the petitioner was under matriculate and had no school leaving certificate or any other document that would act as a proof of his date of birth. Thus, he got 15.03.1952 recorded as his date of birth, based on memory. Further, the petitioner desired to improve his educational qualifications while in service by passing the matriculation examination. In furtherance of the same, he reached out to DAV Senior Secondary School, Dhariwal, District Gurdaspur, to obtain the School Leaving Certificate (SLC). The petitioner had attended the said school up to 7th class, till 11.09.1969. The SLC was issued to him on 07.08.1992, which stated his date of birth to be 06.05.1954. On the basis of this SLC, the petitioner appeared for his matriculation examination during the academic year 1992-93, and cleared the same.

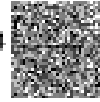
3. Thereafter, he moved an application dated 13.05.1994 (Annexure P-1) to the Executive Engineer, Instrument Cell, GNDTP, seeking correction of his date of birth in his service record, who cited the lack of authority to accede to such a request. Subsequently, he approached the Senior Executive Engineer but no action was taken. Notably, the petitioner was admitted in the provident fund with the amended date of birth i.e. 06.05.1954. However, the date of birth was not changed in his old



service record causing the petitioner to send multiple reminders.

4. Learned counsel submits that the petitioner also moved a representation before the Chief Engineer, Bathinda, who called for a report from the Deputy Chief Engineer Bathinda vide letter dated 03.12.2009 (Annexure P-2). Resultantly, the concerned authorities sought clarification from the petitioner and vide reply dated 16.12.2009 (Annexure P-3), he submitted that wrong date of birth was inadvertently entered into his service record because of his own mistake. He also informed them that he came to know about his real date of birth i.e. 06.05.1954 when he received the SLC. In fact, the petitioner applied for change of date of birth in his service record immediately upon receiving this information. The Deputy Chief Engineer, vide letter dated 18.12.2009 (Annexure P-4), forwarded the clarification to the office of Chief Engineer and recommended the case of the petitioner for the change of his date of birth in the old service record in accordance with his matriculation certificate.

5. In spite of favourable recommendations, the application dated 13.05.1994 (Annexure P-1) moved by the petitioner remained pending for about 16 years. Since the petitioner was due to retire on 31.03.2010, he was compelled to approach this Court by way of filing CWP No.17964 of 2010, which was disposed of on 04.10.2010 with a direction to pass a speaking order deciding upon his claim within three months. In compliance thereof, the respondent-Corporation passed order dated 18.03.2011 (Annexure P-6)

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refused to amend his date of birth in the old service record even though, as per Rules, date of birth of an employee could be changed if he has not obtained any benefits by virtue of the originally recorded date of birth. As such, the petitioner was unlawfully retired from service on 31.03.2010 by taking his date of birth to be 15.03.1952 instead of 06.05.1954.

6. Aggrieved by the same, the petitioner filed a civil suit for declaration seeking setting aside of order dated 18.03.2011 (Annexure P-6), amending his date of birth in the service record and reinstatement into service. The suit of the petitioner was decreed on 09.03.2015 (Annexure P-7) whereby the order dated 18.03.2011 (Annexure P-6) was set aside and the respondent-Corporation was directed to verify the SLC and then decide the claim of the petitioner. The respondent-Corporation also filed an appeal which was a dismissed by the learned District Judge, Bathinda on 27.01.2017 (Annexure P-8). The judgment dated 27.01.2017 (Annexure P-8) was further challenged by the respondents by filing RSA No.5218 of 2017 before this Court, which was dismissed as withdrawn on 15.02.2018 (Annexure P-9).

7. The SLC of the petitioner was verified by the respondent-Corporation and it was concluded that the date of birth of the petitioner was 06.05.1954, as indicated by Annexure P-10. Thereafter, the case of the petitioner was sent to the respondent-Board of Directors for consideration.

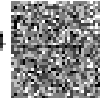
However, the claim of the petitioner was yet again rejected by passing a



resolution dated 02.08.2018 (Annexure P-11). On the basis of the said resolution, the respondent-Chief Engineer Bathinda passed the impugned order dated 04.10.2018 (Annexure P-12) rejecting the claim of the petitioner.

8. Leaned counsel for the petitioner submits that once the civil suit filed by the petitioner was decreed and a finding was returned regarding his correct date of birth, the respondent-Corporation was bound to accept the same and make necessary correction in the service record of the petitioner. He places reliance on the judgment of the Hon'ble Apex Court in ***Narinder Kaur Vs. Punjab and Haryana High Court and others (Civil Appeal No.1380 of 2011), decided on 04.02.2011*** and submits that the present case is squarely covered by the aforesaid judgment as the petitioner did not take any undue advantage of his originally recorded of date of birth.

9. Having heard learned counsel for the petitioner and after perusing the record, it transpires that the petitioner joined the Punjab State Electricity Board in the year 1973. Admittedly, after 21 years in service, on 13.05.1994 (Annexure P-1), he sought an amendment in his date of birth, as recorded in his service record, for the first time. However, the petitioner retired on 31.03.2010 in terms of his originally recorded date of birth i.e. 15.03.1952, and on 11.11.2011, filed a civil suit, which was decreed on 09.03.2015 (Annexure P-7). However, the Board of Directors of the respondent-Corporation has rejected the claim of the petitioner vide impugned resolution dated 02.08.2018 (Annexure P-11) by relying upon



various judgments of this Court and the Hon'ble Supreme Court. In terms of the said resolution, order dated 04.10.2018 (Annexure P-12) passed by respondent-Chief Engineer/Thermal, GNDPTP, Bathinda rejecting the request of the petitioner for change in date of birth and grant of consequential benefits.

10. Further, as per Regulation 2.7 of MSR Vol-1 Part-1 1972, which is applicable to all the employees of Punjab State Electricity Board (now PSPCL), any employee can apply for correction of his/her date of birth within two years from their date of joining the service. Such a request can be made on the basis of the entry made in the municipal birth register, university or school certificates etc. However, the petitioner had sought correction of his date of birth in his service record after 21 years of his joining, vide letter dated 13.05.1994 (Annexure P-1). The said Regulation is reproduced as under:-

“Annexure ‘A’

(Referred to in Regulation 2.7 and Note 3 thereunder)

*1. In regard to the date of birth a declaration of age made at the time of or for the purpose of entry into the Board Service shall, as against the Board employee in question, be deemed to be conclusive **unless he applies for correction of his age as recorded within two years from the date of his entry into Board service.** The Board, however, reserves the right to make a correction in the recorded age of a Board employee at any time against the interests of the Board employee when it is satisfied that the age recorded in his service book or in the History of service of Gazetted Board employee is*



incorrect and has been incorrectly recorded with the object that the Board employee may derive some unfair advantage therefrom.

2. When a Board employee, within the period allowed, makes an application for correction of birth as recorded, a special enquiry should be held to ascertain his correct age and reference should be made to all available sources of information such as certified copies of entries in the Municipal birth register, University or School Age Certificate, Janam Patries or Horoscopes. It should, however, be remembered that it is entirely discretionary on the part of the sanctioning authority.” (emphasis added)

10. Further still, a two-Judge Bench of the Hon'ble Supreme Court in ***The General Manager, M/S Barsua Iron Ore Mines vs. The Vice President United Mines Mazdoor Union and Ors. 2024 INSC 264***, specifically states that a request for change in date of birth can be rejected on account of delay, especially if the same is made towards the fag end of the service tenure. Speaking through Justice Ahsanuddin Amanullah, the following observations were made:

*“20. Although, we have examined the matter from the lens of fraud as well, in view of our discussions hereinabove, the said aspect does not merit deeper probe. We leave it at that. For the present, it would suffice to refer to a pronouncement of recent vintage by this Court in ***Karnataka Rural Infrastructure Development Limited v T P Nataraja, (2021) 12 SCC 27***, where earlier precedents in ***Home Department v R Kirubakaran, 1994 Supp (1) SCC 155***; ***State of Madhya Pradesh v Premlal Shrivastava, (2011) 9 SCC 664***; ***Life Insurance Corporation of India v R Basavaraju, (2016) 15 SCC 781*** and ***Bharat Coking Coal Limited v Shyam Kishore Singh, (2020) 3 SCC 411*** were considered. Although this Court in ***T P Nataraja (supra)*** was looking at the facts*



therein, in the context of the Karnataka State Servants (Determination of Age) Act, 1974, the principle of law laid down would equally apply insofar as change of date of birth in service records is concerned, with which we concur:

“11. Considering the aforesaid decisions of this Court the law on change of date of birth can be summarised as under:

(i) application for change of date of birth can only be as per the relevant provisions/regulations applicable;

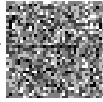
(ii) even if there is cogent evidence, the same cannot be claimed as a matter of right;

(iii) application can be rejected on the ground of delay and laches also more particularly when it is made at the fag-end of service and/or when the employee is about to retire on attaining the age of superannuation.” (emphasis added).

11. In view of the discussion above, this Court finds no ground to exercise its extraordinary writ jurisdiction in favour of the petitioner. The present writ petition is hereby dismissed in the light of *M/s Barsua Iron Ore Mines (supra)*.

12. Before parting with this order, the absence of any representation on behalf of the respondent-Corporation must be flagged. This Court has observed a trend of willful disregard of the process of law on part of the counsel representing the Power Corporations. In spite of repeated warnings and even imposition of costs, the empanelled counsels often fail to make timely appearances causing an unnecessary delay in disposal of the matter. Since this practice causes significant wastage of precious judicial resources by hampering the functioning of this Court, this Court finds it apposite to direct the Managing Director of the respondent-Corporation to file an affidavit deliberating upon the steps being taken by the respondent-Corporation to ensure timely and consistent appearance of counsels.

13. A compliance report by way of affidavit be filed with the



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Registry within a period of 08 weeks from the date of receipt of a certified copy of this order.

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

11.02.2026
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(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No