

SUPREME COURT OF INDIA

R. K. Jangra

Vs.

State of Punjab

C.A.No.1615 of 2009

(Tarun Chatterjee and H.L. Dattu JJ)

16.03.2009

ORDER

H.L.Dattu,J.

Leave granted.

1. This appeal is directed against the judgment and order passed by the High Court of Judicature at Chandigarh in Civil Writ Petition No. 1333 of 2007 dated 29.1.2007. By the impugned order, the High Court has directed the appellant to approach the civil court for correction of his date of birth in the service records.

2. The facts in brief are:- the appellant, R. K. Jangra, when he joined service as Additional Design Engineer with respondent No.2 on 11.1.1980, he had produced his Higher Secondary Part-I examination certificate dated 19.7.1969 as the proof for his date of birth. In the said certificate his date of birth was shown as 4.1.1952. The appellant within two years of his joining service, had made an application for change of his date of birth from 4.1.1952 to 3.1.1953 before the Additional District Registrar, Births & Deaths, Jalandhar, by stating that his mother was illiterate and she had given the wrong date of birth while seeking his admission in the Primary School. The Additional Registrar had obliged the appellant by issuing a birth certificate showing the date of birth as 3.1.1953 vide his order dated 19.5.1981. The appellant armed with the said certificate had made a representation before his employer for correction of his date of birth in his service record.

3. Since the request in the representation did not yield any result, the appellant once again made a detailed representation to respondent No.2 for the same relief. This representation was answered by respondent no. 2, by directing the appellant to get the correction of date of birth done in the Matriculation Certificate from the Registrar of Punjab University. The request made in this regard is rejected by the Registrar of Punjab University by informing the appellant, that, the application filed is beyond the time limit prescribed in the regulations of the University.

4. The Government of Punjab by its order dated 21.6.1994 amended the Punjab Civil Service Rules and in that had provided, that, employees who are already in the service of Government of Punjab may apply for change of date of birth within a period of 2 years from coming into force of the said Rules before the competent authority. The request made pursuant to the aforesaid rules, is rejected by the Registrar of Punjab University, by informing the appellant that the application filed by him is beyond the time limit prescribed in the university regulations. Not being satisfied with the endorsement so issued, the appellant once again by his representation dated 20.9.1995, made a request before the State Government for correction of his date of birth. The State Government vide its letter dated 18.12.1995 had rejected the claim of the appellant. The appellant again made several representation before various authorities. All these authorities had asked appellant to furnish sufficient records/evidence to act upon his request made in his representation. In spite of supplying all the information asked, since no action was taken, the appellant filed a writ petition before the Punjab High Court praying for issuance of a writ in the nature of mandamus, directing the respondents to make appropriate correction of his date of birth in the service records of the appellant.

5. The High Court without going into the merits of the case rejected the petition by its impugned order dated 29.1.2007. The High Court has observed:-

“It will be just and appropriate to relegate the appellant to avail his ordinary remedy before a Civil Court. Aggrieved by the said order, appellant is before us by this special leave petition.”

6. We have heard learned counsel for the parties.

7. Appellant, in spite of his attempts right from the year 1981, has failed to come out of the perplexing web of the bureaucracy. Appellant who is due to retire in January 2010 is praying for another extra year of service. He has made several representations in this regard without getting any results. At this juncture he only wants his representation being considered in proper perspective and in accordance with law and to give him one more year of extension of service by making appropriate correction of his date of birth in the service records.

8. In view of the above discussion, in the peculiar facts and circumstances, we direct the competent authority/Principal Secretary, Department of Irrigation, Punjab, Chandigarh to consider the representation filed by the appellant on 8.5.1987, in the light of documents and material produced by him, within a month from the date of this order, if the representation made by the appellant is available with the respondent untrammelled by any of the observations made in the earlier orders. If such representation is not available in their records, the competent authority will call upon the appellant to file a fresh representation with all the particulars required and consider the same within a reasonable time.

9. In view of the above discussion, the appeal is allowed. The impugned order passed by the High Court is set aside. No order as to costs.