

**BEFORE THE UTTARAKHAND PUBLIC SERVICES TRIBUNAL
AT DEHRADUN**

Present: Hon'ble Mr. Justice U.C.Dhyani

----- Chairman

Hon'ble Capt. Alok Shekhar Tiwari

-----Member (A)

CLAIM PETITION NO. 86/DB/2025

Rajkumar, aged about 54 years, s/o Sri Matadeen, r/o Near Prachin Kali Mandir
IIP, Mohkampur, Dehradun.

....Petitioner

vs.

1. State of Uttarakhand through Secretary, Public Works Department, Secretariat,
Subhash Road, Dehradun .
2. Engineer-in-Chief/ HOD, Public Works Department, Yamuna Colony,
Dehradun.
3. Superintending Engineer, 9th Circle, Public Works Department, Yamuna Colony,
Dehradun.

....Respondents

Present: Sri Abhishek Chamoli, Advocate, for the petitioner.
Sri V.P.Devrani, A.P.O., for the State Respondents.

JUDGMENT

DATED: JULY 08, 2025

Justice U.C.Dhyani (Oral)

By means of present claim petition, petitioner seeks the following
reliefs:

“i. Issue an appropriate order or direction quashing the impugned order dated 29.11.2024 passed by the Superintending Engineer, Ninth Circle, Public Works Department, Dehradun, whereby the petitioner's request for correction of date of birth has been arbitrarily rejected;.

ii. To issue order or direction to the respondent authorities to correct and update the date of birth of the petitioner in all his service records, including service book, e-service register, and other allied documents, by rectifying the clerical error and replacing the existing incorrect date "28-06-1967" with the correct i.e. 20-06-1971 after calling entire record from the respondents.

iii. To issue any other suitable order or direction or any relief which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

iv. To award the cost of the petition to the petitioner.”

2. Claim petition is supported by the affidavit of the petitioner. Relevant documents have been filed along with the same.

3. Petitioner is a Class IV regular employee (Peon) in the respondent department under the administrative control of Superintending Engineer, 9th Circle, Dehradun. He was earlier appointed as *Mali* and was subsequently promoted to present post of Peon. In para 4.2 of the petition, it has been stated that date of birth of the petitioner has erroneously been recorded as 28.06.1967.

4. Ld. Counsel for the petitioner pointed that when petitioner passed Class V, his date of birth has been recorded as 20.06.1971 in the ‘School Leaving Certificate’ (pg. 32). The Block Education Officer, Vikas Nagar, on the basis of petitioner’s passing out as private student- Class VIII, from a School situated in Badripur, Vikas Nagar, certified his date of birth as 20.06.1971.

5. In reply, Ld. A.P.O. submitted that there is inconsistency regarding date of birth in various documents filed by the petitioner himself.

6. Ld. Counsel for the petitioner submitted that petitioner will make a representation to Respondent No.2 for correctly ascertaining his date of birth. Ld. A.P.O. has no objection if representation of the petitioner

is directed to be decided by the respondents for correctly ascertaining his date of birth.

7. The claim petition is disposed of, at the admission stage, with the consent of Ld. Counsel for the parties, by directing Respondent No.2 to decide petitioner's representation for ascertaining his date of birth correctly, in accordance with law, as expeditiously as possible and without unreasonable delay, on presentation of certified copy of this order along with representation, enclosing the documents in support thereof. No order as to costs.

8. Legal opinion obtained by Respondent No.2 earlier, shall not come in his way in correctly ascertaining petitioner's date of birth.

9. Rival Contentions are left open.

(CAPT. ALOK SHEKHAR TIWARI)
MEMBER (A)
(virtual)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 08, 2025.
DEHRADUN

VM