

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

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

----- Chairman

Hon'ble Mr. Arun Singh Rawat

-----Vice Chairman (A)

CLAIM PETITION NO.93/DB/2021

Smt. Meera Devi w/o Late Sri Munnilal, r/o P-745, Upper Yamuna Colony, Dakpathar, District Dehradun, Uttarakhand.

.....**Petitioner**

vs.

1. State of Uttarakhand through Secretary Irrigation, Government of Uttarakhand, Secretariat, Subhash Road, Dehradun.
2. Chief Engineer, Department of Irrigation, Yamuna Colony, Dehradun.
3. Superintending Engineer, Irrigation Works Circle, Dehradun.
4. Executive Engineer, Department of Executive Engineer, Irrigation Division, Vikasnagar, Dakpathar, Dehradun.

.....**Respondents**

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

JUDGMENT

DATED: JULY 11, 2025.

Justice U.C. Dhyani (Oral)

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

“a). To pass an order or direction to declare the date 20.07.1966 endorsed in the column of date of birth of service books is not

based on documents and information furnished by petitioner therefore illegal and forged, thus cannot be protected by the provisions of the Uttarakhand Recruitment to Service (Determination of Date of Birth) Rules 2003 and liable to be modified/rectified.

b) To issue an order or direction to the respondents to rectify the wrong and forged date 20.07.1966 endorsed in the service book and pace the correct date 20.07.1970 in the column of date of birth of service books of petitioner and accordingly grant the service benefits to the petitioner.

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

d) 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 petition.

3. Claim petition has been contested on behalf of respondents. Sri Darwan Singh, Assistant Engineer Sub-Division 3rd Irrigation, Vikas Nagar, Dehradun, Uttarakhand, has filed affidavit on behalf of Respondents. Relevant documents have been filed in support of Counter Affidavits.

4. Present petition has been filed by the petitioner for correction of date of birth in the service book. She is an illiterate woman.

4.1 In the certificate issued on behalf of District Officer/ District Magistrate, Dehradun, on 26.05.2002 (Annexure: A-1), her age has been shown to be 32 years, on the basis of enquiry report of Tehsildar, Vikas Nagar.

4.2 Chief Medical Officer, Dehradun, wrote to Executive Engineer on 03.02.2003 (Annexure: A-2), that on the basis of report of Senior Radiologist, Doon Hospital, Dehradun, Smt. Meera Devi's age is about 33 years.

4.3 Chief Medical Superintendent, Doon Hospital, Dehradun, has issued certificate of fitness for Government Servant on 23.08.2007 (Annexure: A-3) , to certify that her age, according to her statement, is 37 years and by appearance also, is about 37 years.

4.4 According to birth certificate dated 22.07.2017, Meera Devi's date of birth is 20.07.1970 (Annexure: A-4).

4.5 Copy of Aadhar Card has been enclosed as Annexure: A-5, in which her date of birth is mentioned as 20.07.1970.

4.6 In Pan Card also her date of birth is mentioned as 20.07.1970. (Annexure: A-5 *colly*).

4.7 Smt. Meera Devi wrote a letter to Executive Engineer, Irrigation Division, Dakpathar, Vikas Nagar on 24.03.2018, for correcting her date of birth. In her letter, she has mentioned that her date of birth has erroneously been shown as 20.07.1966 in the service book, whereas her month and year of birth is February 1970. The Executive Engineer, *vide* letter dated 20.11.2019, wrote to Superintending Engineer, Irrigation Division, Dehradun that it is not possible to accept any application for change of date of birth, as per G.O. dated 12.03.2003.

4.8 In the Rejoinder Affidavit, petitioner has enclosed the seniority list of the employees working in Work Charged Establishment of Irrigation Department, issued on 15.01.2008 (Annexure: R-1), in which petitioner's name has been mentioned at Sl. No.1116 and her date of birth has been shown as 01.07.1970.

5. Respondents have also filed documents in support of their written statement. Ld. A.P.O. has filed copy of the *Uttaranchal Sewa Mein Bharti (Janm Dinaank ka Avdharan) Niymawali, 2003*, which stipulates that no application for correcting a date of birth shall be entertained in any circumstance.

5.1 Copy of F.R. Form No. 13 has been filed to show that petitioner's date of birth is 20.07.1966. Her photograph and signatures are there in such form.

5.2 Copy of application written by petitioner to Executive Engineer, has been filed to show that petitioner joined as *Beldar* in the

forenoon of 27.01.2003. Certain documents have been filed with her application.

6. Petitioner was engaged in Work Charged Establishment (from muster roll employee) on 29.08.2007.

7. Her husband Late Sri Munnilal was an employee of the respondent department. When he died on 26.03.2002, she was given employment under the Uttar Pradesh Dying in Harness Rules 1974.

8. Smt. Aarti d/o Smt. Meera Devi, addressed a letter to Hon'ble Irrigation Minister, Govt. of Uttarakhand, on which Hon'ble Minister gave a direction to the Executive Engineer, Irrigation Division, to examine the matter in the light of the report submitted by the Chief Medical Officer, Dehradun and make amendment in the date of birth of Smt. Meera Devi.

9. When petitioner was engaged in Work Charged Establishment, *vide* O.M. dated August, 2007, her age has been shown as 33 years, on the basis of report dated 03.02.2003 of C.M.O., Dehradun.

10. Reliance has been placed by Sri Abhishek Chamoli, Ld. Counsel for the petitioner on the following decisions of Hon'ble Supreme Court and Hon'ble High Court of Uttarakhand, in support of his case:

Shankar Lal vs. Hindustan Copper Ltd & others, 2022 LiveLaw (SC) 407;

Mohd. Yunus Khan vs. U.P. Power Corporation Ltd and others, Civil Appeal No. 6191 of 2008 (arising out of SLP (Civil) No. 5232 of 2006);

WPSS No. 1994/2014, Avtar Singh vs State of Uttarakhand and others.

11. Ld. A.P.O. has cited the following decisions of Hon'ble Supreme Court, in support of respondents' case:

State of U.P. and others vs. Smt. Gulaichi, 2003 (6) SCC 483;

State of Madhya Pradesh and others vs. Premlal Shrivastava, (2011) 9 SCC 664;

Bharat Cooking Coal Ltd. vs. Shyam Kishore Singh, (2020) 3 SCC 411;

LIC vs. R. Basavaraju, (2016) 15 SCC 781;

Karnataka Rural Infrastructure Development Ltd. vs. T.P. Nataraja, (2021) 12 SCC 27.

12. Ld. Counsel for the petitioner submitted that the matter may be referred to the Superintending Engineer, Irrigation Work Circle, Dehradun (Respondent No.3) for ascertaining correct date of birth of the petitioner in the light of papers submitted by the petitioner and documents thus filed in support thereof. Ld. A.P.O. submitted that a direction may be given to Respondent No.3 to look into the averments which have been taken in the W.S. along with documents, which have been filed in support thereof.

13. Claim petition is disposed of, with the consent of Ld. Counsel for the parties, by directing Respondent No.3 to ascertain/ determine the date of birth (age) of the petitioner, uninfluenced by any of the observation made in this regard in communication dated 20.11.2019, in the light of documents filed by the parties along with rulings in support thereof, after giving opportunity of hearing to the petitioner as well as to the custodian of the service record of the respondent department, as expeditiously as possible, preferably within 12 weeks of presentation of certified copy of this order along with documents. G.O. dated 12.03.2003 shall not come in the way of Respondent No.3 in correctly ascertaining the age/ date of birth of the petitioner.

14. Rival contentions are left open.

(ARUN SINGH RAWAT)
VICE CHAIRMAN (A)

(JUSTICE U.C.DHYANI)
CHAIRMAN

DATE: JULY 11, 2025
DEHRADUN