

2023 LiveLaw (SC) 124

**IN THE SUPREME COURT OF INDIA
V. RAMASUBRAMANIAN; J., PANKAJ MITHAL; J.
Special Leave to Appeal (C) No(s). 14238/2022; 17-02-2023**

THE GENERAL MANAGER SOUTH EASTERN COALFIELDS LTD. & ORS.

versus

AVINASH KUMAR TIWARI

Service Law - Any request for alternation of date of birth cannot be made after a long delay and especially towards the end of the career of an employee - Employees cannot wake up from their slumber after a long time and seek alteration of date of birth towards the fag end of their career.

(Arising out of impugned final judgment and order dated 23-06-2022 in WA No. 641/2022 passed by the High Court Of M.P Principal Seat at Jabalpur)

For Petitioner(s) Ms. Aishwarya Bhati, A.S.G. Mr. T. G. Narayanan Nair, AOR Mr. Ramesh Babu M.r., Adv. Ms. Manisha C., Adv.

For Respondent(s) Mr. Awanish Kumar, Adv. Mr. S.P. Dubey, Adv. Mr. Ankolekar Gurudatta, AOR

ORDER

The management has come up with the above special leave petition challenging the order of the Division Bench of the High Court confirming the order of the Single Judge, directing the entry relating to the date of birth of the respondent to be read as 15.02.1963.

We have heard Ms. Aishwarya Bhati, learned ASG appearing for the petitioner-management and Mr.Awanish Kumar, learned counsel for the respondent.

It is true that any request for alternation of date of birth cannot be made after a long delay and especially towards the end of the career of an employee. But this case stands on a slightly different footing. The positive case of the respondent herein is that his date of birth was correctly recorded as 15.02.1963 at time of appointment, as he was sponsored by the employment exchange. According to the respondent, the said entry was altered without his knowledge and that he came to know about it in the year 2001. When he started corresponding with the petitioners, a letter was issued on 19.09.2011 by the Deputy Regional Manager. This letter records the fact that the date of birth indicated in the service record as as 15.02.1963 was scored off

To a specific averment made by the respondent in this regard in his writ petition, there is no categorical denial about the letter dated 19.09.2011.

In any case, the respondent has continued in service and has reached superannuation on 14.02.2023 and he is due to continue only for a period of ten more days. Therefore, this is not a case where we are persuaded to invoke our jurisdiction under Article 136 of the Constitution of India. Hence, the special leave petition is dismissed.

However, we clarify the law that the employees cannot wake up from their slumber after a long time and seek alteration of date of birth towards the fag end of their career.

Pending application(s), if any, shall stand disposed of.