

Gaya Devi vs.delhi Transco Limited Through General Manager (Hr) & Anr.

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SooperKanoon Citation : sooperkanoon.com/1202252

Court : Delhi

Decided On : Dec-20-2016

Appellant : Gaya Devi

Respondent : Delhi Transco Limited Through General Manager (Hr) & Anr.

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI + % GAYA DEVI W.P.(C)
No.11938/2016 20th December,2016 None.

... Petitioner

Through: versus DELHI TRANSCO LIMITED THROUGH GENERAL MANAGER
(HR) & ANR.

... RESPONDENTS

Through: None. CORAM: HONBLE MR. JUSTICE VALMIKI J.MEHTA To be
referred to the Reporter or not?. VALMIKI J.

MEHTA, J (ORAL) 1. No one appeared for the petitioner on the first call. No one
appears for the petitioner even on the second call at 1:07 PM.

2. By this writ petition under Article 226 of the Constitution of India, petitioner
impugns the order of the respondent/Delhi Transco Limited/employer dated
16.11.2016, by which the petitioner has been denied correction of date of birth
from 6.6.1955 to 28.6.1958.

3. The impugned order dated 16.11.2016 is a detailed order and which is passed pursuant to the directions of a learned Single Judge of this W.P.(C) No.11938/2016 Page 1 of 3 Court in an earlier litigation between the parties being Gaya Devi Vs.Delhi Transco Ltd. W.P.(C) 7595/2016 decided on 29.8.2016.

4. The impugned order dated 16.11.2016 shows that the petitioner cannot claim ignorance of the official record reflecting her date of birth as 6.6.1955 because in all the salary slips issued to the petitioner her date of birth was always mentioned and this para of the impugned order reads as under:-

"S.No.3: Further the salaries of each and every employee of DESU/DVB now DTL was disbursed either by cash(earlier period) or by cheque (in middle period) or by ECS(at present) and before the salary, salary slips was generated and handed over to each and every individual. The salary slips apart from containing the details of salary necessarily finds mentioned the date of birth of said individual. Therefore, it is wrong to state that she came to know about her date of birth at belated stage when her retirement date approached. It is apparent that the contention of the petitioner is merely an afterthought. Therefore, the contention of the petitioner is not tenable. 5. Therefore, there is no illegality in the impugned order in holding that petitioner was only conveniently seeking to deny the fact that she did not know the date of birth in the records.

6. In the impugned order, it is also noted that as per the relevant rules, an employee who seeks to correct the date of birth must file an application within five years of her entry into the service, and admittedly the petitioner did not do so because petitioner joined the employment with the respondent on 12.6.1995 pursuant to the offer letter of the respondent/ W.P.(C) No.11938/2016 Page 2 of 3 employer dated 25.5.1995 and the petitioner only applied on 29.8.2014 for correction of her date of birth. Therefore, in view of the rule position the petitioner has been rightly denied the relief of correction of the date of birth as the same had been applied for after more than five years of joining service.

7. Dismissed. DECEMBER20 2016 ib VALMIKI J.

