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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1075/2025**

JAI KISHAN

.....Petitioner

Through: Mr. Chirayu Jain, Advocate

versus

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD

.....Respondent

Through: Ms. Risha, Advocate

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

29.01.2025

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[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 5327/2025 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1075/2025

2. The petitioner has challenged order dated 01.09.2023 passed by the Appellate Authority under the Building and Other Construction Workers (Regulations of Employment and Conditions of Service) Act. It appears that the controlling authority rejected pension application of petitioner on the ground that he did not get the subscription renewed after 07.09.2018, so when he attained the age of 60 years, he was not a member. The appellate authority dismissed the appeal on the ground that in Aadhar Card, date of birth of the petitioner was mentioned as 01.01.1968 and the plea of the petitioner that correct date of birth was 13.10.1961 was not acceptable as he could not be allowed to change his date of birth.

3. Learned counsel for petitioner has argued that the appeal was heard and dismissed by the Secretary of the Board, which is the person authorised



by the Secretary of the Board. Learned counsel has taken me through the constitution and functions of the Board as prescribed in Section 18-22 of the Act and has also referred to Rule 273 of the Delhi Construction Workers (Regulations of Employment And Conditions of Service) Rules to show that it is the Board which is authorised to decide the appeal but in the present case it is the Secretary who did so.

4. Further, learned counsel for petitioner has also placed reliance on various other documents of date of birth of the petitioner. It is contended that Aadhar Card is not stipulated as one of the relevant documents to ascertain date of birth vide Rule 266(2) of the Rules.

5. Learned counsel for respondent appearing on advance intimation accepts notice and seeks and is allowed four weeks to file counter affidavit, to be followed by rejoinder if any within next two weeks.

6. Relist on 24.07.2025.

GIRISH KATHPALIA, J

JANUARY 29, 2025/v

[Click here to check corrigendum, if any](#)