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C.A.No. 5084 OF 1999  
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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5084 OF 1999@@  
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Eastern Coalfields Ltd. & Ors. .. Appellants

Vs.

Dulal Chandra Pal .. Respondent

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The respondent entered the services of the appellant in the year 1969 when his date of birth was disclosed as 1.10.1937 and appropriate entries were made in Form 'B' Register maintained under the Mines Act, 1952. In the year 1988, when the service records were circulated to the employee concerned, he merely made a representation that his date of birth is 24.1.1948 and he did not take any further steps.

When he was sought to be superannuated with effect from 1.10.1997, he filed a Writ Petition. The Writ petition was dismissed by the High Court after specifically observing that apart from laches he had not approached the Court with clean hands. Learned Single Judge, therefore,, dismissed the Writ Petition.

In appeal against that order, the Division Bench of the High Court did not advert to these aspects of the ..2/-

: 2 :

matter but merely proceeded to consider the effect of difference of 11 years in the date of birth and at one point of time the appellant allowed the respondent to appear before the Medical Board constituted for determining the respondent's age and proceeded to grant relief as sought for.

It is clear that after the respondent became aware of the fact by reason of the circular dated 25.4.1988 that his date of birth is 1.10.1937 in the service records, he ought to have taken appropriate steps. Merely after making representation he waited till 1995 when he filed the Writ Petition. That reason is good enough to disentitle the respondent from giving him any relief.

The view taken by the Division Bench is inappropriate and it ought not to have interfered with the order made by the learned Single Judge.

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The appeal is allowed setting aside the order made by the Division Bench and restoring that of the learned Single Judge of the High Court dismissing the Writ Petition.

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[ S. RAJENDRA BABU ]@@  
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.....J@@  
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[ RUMA PAL]@@  
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New Delhi,@@  
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November 28, 2001.

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ITEM NO.105-106 COURT NO.6 SECTION-XVI

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.5084/1999

Eastern Coalfields Ltd. & Ors. .. Appellants

Vs.

Dulal Chandra Pal .. Respondent  
(With office report)

DATE : 28.11.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MRS. JUSTICE RUMA PAL

For Appellant (s) : Mr. Altaf Ahmed, ASG  
Mr. Anip Sachthey, Adv.  
Ms. Sandhya Rajpal, Adv.  
Mr. Arijit Prasad, Adv.

For Respondent (s) : Mr. Sanjeev Sabharwal, Adv.  
0 0 Mr. Bharat Sangal, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The appeal is allowed in terms of the signed order.

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(Meenu Sethi)  
Court Master

(Om Prakash )  
Court Master

Signed order is placed on the file