

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4048 OF 2020
(@ out SLP(Civil) No. 14071/2020)

DELHI CANTONMENT BOARD

Appellant(s)

VERSUS

RAM SHARAN & ORS.

Respondent(s)

O R D E R

This petition challenges the order dated 22.10.2020 passed by the High Court of Delhi at New Delhi in FAO No.191 of 2020.

Issue notice.

Considering the nature of the matter and the fact that the respondent is being represented by the learned counsel on caveat, we take up the matter for disposal.

Leave granted.

Respondent No.1 was appointed as Junior Engineer (Civil) on 20.10.1989 and according to the Appellant, the date of birth mentioned in the record is 02.10.1960.

Civil Suit No.391 of 2017 has been filed by Respondent No.1 in the court of the District and Sessions

Judge, Patiala House Courts, New Delhi, submitting inter alia that his correct date of Birth is 02.10.1962 and not 02.10.1960.

On 20.11.2020, the Trial Court directed that the Respondent No.1 be continued in service till December, 2020 and passed appropriate directions to expedite the disposal of the suit. The matter was carried in appeal by Respondent No.1 and the High Court, by its order presently under challenge directed that the Respondent No.1 be continued in service till the next date of hearing fixed before the Trial Court. During the course of its order, the High Court also made certain observations about the importance of Date of Birth in Matriculation Certificate and other documents.

In this appeal, we have heard Mr. Jayant Sud, learned ASG and Ms. Sripana Chatterjee, learned Advocate appearing for Respondent No.1 on caveat.

It is submitted by learned ASG that going by the applicable Rules, any correction in the Date of Birth is to be effected on an application preferred within time and filing of a suit after 28 years was not appropriate.

Learned counsel for Respondent No.1 on the other-hand submits that the Date of Birth recorded in the

Service-Book of Respondent No.1 had always been 02.10.1962 but there was some tampering in the record sometime in 2013.

Be that as it may, since the matter is ripe for disposal before the Trial Court, in our considered view, following arrangement during the pendency of the suit, will meet the ends of justice:

(a) Respondent No.1 shall be continued in service till December, 2020.

(b) The Trial Court shall dispose of the suit without being influenced by the observations made by the High Court.

(c) In case the respondent No.1 succeeds in the suit, within next two weeks;

(i) the salary and other emoluments (from January, 2021) shall be paid by the Appellant to Respondent No.1; and

(ii) he shall be reinstated in service and shall be allowed to function in his original posting.

Learned ASG fairly submits that in case he succeeds in the suit, irrespective of the decision to carry the matter in appeal, the respondent No.1 shall be reinstated as aforesaid and the status shall thereafter be in terms

of the final order to be passed in the concerned appeal.

We direct the Trial Court to expedite the process and conclude the proceedings as early as possible and preferably by the end of February, 2021. Both sides agree that they shall not take any adjournment and shall cooperate in disposal of the suit at the earliest.

We shall not be taken to have expressed any opinion on the merits of the matter which will be gone into in accordance with law.

With the aforesaid observations, the Civil Appeal is disposed of.

Pending applications, if any, also stand disposed of. No costs.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

.....J.
[S. RAVINDRA BHAT]

New Delhi,
December 15, 2020.

ITEM NO.16 Court 4 (Video Conferencing) SECTION XIV

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

Petition(s) for Special Leave to Appeal (C) No(s). 14071/2020

(Arising out of impugned final judgment and order dated 22-10-2020 in FAO No. 191/2020 passed by the High Court Of Delhi At New Delhi)

DELHI CANTONMENT BOARD

Petitioner(s)

VERSUS

RAM SHARAN & ORS.

Respondent(s)

(IA No. 119925/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 119926/2020 - EXEMPTION FROM FILING O.T.

IA No. 122712/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-12-2020 These matters were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Jayant K. Sud, ASG
 Ms. Nidhi Mohan Parashar, AOR
 Mr. Tarveen Nanda, Adv.
 Mr. Ankur Mishra, Adv.
 Mr. Vikrant Kumar, Adv.

For Respondent(s) Ms. Sriparna Chatterjee, Adv.
 Mr. Soumitra Chatterjee, Adv.
 Mr. Chand Qureshi, Adv.
 Mr. Hiren Dasan, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.
Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)