

Court No. - 29

Case :- SPECIAL APPEAL No. - 52 of 2018

Appellant :- Prem Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Appellant :- Kartikeya Saran,Prateek Samadhiya

Counsel for Respondent :- C.S.C.,Abrar Ahmed

Hon'ble Tarun Agarwala,J.

Hon'ble Saumitra Dayal Singh,J.

The appellant had filed the writ petition contending that he was wrongly retired with effect from 01.01.2018 and in fact he would reach the age of superannuation on 01.06.2018. The contention of the appellant was that the respondents had issued a certificate certifying that his date of birth was 01.06.1958, which was also reflected in the seniority list.

Learned Single Judge however did not agree with the submission of the learned counsel for the appellant and dismissed the writ petition and now the appellant has filed the present Special Appeal under Chapter VIII, Rule 5 of the Rules of the Court.

Sri Abhishek Srivastava,Advocate along with Sri Abrar Ahmad, learned counsel appearing for respondent nos.2 and 3, i.e., the employer, has produced a document claiming to be photocopy of the first page of the service book of the appellant. It indicates that the date of birth of the petitioner recorded in his service book is 01.01.1958. A copy of the same has also been supplied to the learned counsel for the appellant.

In our opinion, the date of birth recorded in the service book is the primary evidence and it has to be taken as a gospel truth. The other documents prepared thereafter, which the appellant has filed, loose their efficacy.

Consequently, no relief can be granted to the appellant.

The Special Appeal is dismissed.

Order Date :- 31.1.2018/-MAA/-

(Saumitra Dayal Singh,J.)

(Tarun Agarwala,J.)

