



**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. 2776 OF 2025**

<b>EMPLOYER IN RELATION TO MANAGEMENT OF KATRAS AREA OF M/S BHARAT COKING COAL LIMITED, DHANBAD</b>	<b>...APPELLANT(S)</b>
<b>VERSUS</b>	
<b>WORKMAN-SHAHDEO DAS</b>	<b>...RESPONDENT(S)</b>

**ORDER**

1. The employer is the appellant and assails the correctness of the judgment and order dated 06.09.2023 passed by the Division Bench of the High Court of Jharkhand at Ranchi in LPA No. 25 of 2022, titled as *Workman-Shahdeo Das vs. Employer in relation to Management of Katras Area of M/s Bharat Coking Coal Limited, Dhanbad*, whereby the appeal was allowed, the order of the Single Judge was set aside and the award of the Central Government Industrial Tribunal No.1, Dhanbad<sup>1</sup> dated

---

<sup>1</sup> In short, "CGIT"

30.09.2020 was restored. By the said award, CGIT had allowed the reference and permitted the change in date of birth of the respondent from 18.09.1960 to 05.01.1972, apparently based on a Transfer/School Leaving Certificate issued in 2015.

2. The respondent joined the services of the appellant with effect from 24.09.1990. In the service book, the date of birth was recorded as 18.09.1960 corresponding to the age of 30 years. This age was informed by the respondent himself at the time of joining. No documentary proof of the date of birth was furnished by the respondent and the same was recorded in the service book on his declaration. A copy of the service book has been filed as *Annexure P-1*.
3. Apart from mentioning the date of birth as indicated above, the service book further records that the respondent was married at the time of joining and had four children. The relevant details are mentioned in column '6' titled 'Details of Dependents' which reads as follows:

Details of dependents

Name	Relationship	Date of Birth
Smt. Keshari Devi	Wife	24 yrs

Chinta Kumari	Daughter	6 yrs
Shanti	Daughter	4 yrs
Nitu Kumari	Daughter	2 yrs
Suman	Daughter	6 months
Matal Das	Father	60 years

4. During the course of arguments, a xerox copy of the service book was also placed before us, which, apart from mentioning the above facts also bears the signatures of the respondent along with the date 17.06.1992.
5. For 25 years, the respondent did not raise any objection with respect to his date of birth. However, in October/November 2015, he applied for correction of date of birth on the basis of Transfer Certificate/School Leaving Certificate of Matriculation Examination issued on 05.11.2015, requesting that his date of birth be corrected to 05.01.1972. The appellant did not accept the request of the respondent. An industrial dispute was raised by the respondent, which got referred to CGIT after conciliation failed.
6. CGIT by its award dated 30.09.2020 directed correction of date of birth from 1960 to 1972. The

award was challenged by the appellant by way of Writ Petition No. 2866 of 2021 before the High Court of Jharkhand at Ranchi. The Single Judge, *vide* judgment and order dated 5/28.10.2021 after appreciating the facts of the case and also the law on the point, allowed the writ petition and set aside the award of CGIT. The Single Judge in particular relied upon the judgment of this Court in the case of ***Bharat Coking Coal Limited & Others vs. Shyam Kishore Singh***<sup>2</sup>, ***Factory Manager, Kirloskar Brothers Limited vs. Laxman***<sup>3</sup>, and ***State of Madhya Pradesh vs. Premal Shrivastava***<sup>4</sup> for arriving at the conclusion that applying for correction of date of birth after a delay of 25 years almost towards the end of service, is not to be permitted.

7. Aggrieved by the judgment of the Single Judge, the respondent preferred Letters Patent Appeal registered as LPA No. 25 of 2022. By the impugned judgment dated 06.09.2023, the Division Bench allowed the appeal and after setting aside the judgment of the Single Judge, restored the award of CGIT.

---

<sup>2</sup> (2020) 3 SCC 411

<sup>3</sup> (2020) 3 SCC 419

<sup>4</sup> (2011) 9 SCC 664

8. Aggrieved by the same, the employer is in appeal before this Court.
9. We have heard Mr. Anupam Lal Das, learned Senior Advocate for the appellant and Mr. Rajan Raj, learned counsel appearing for the respondent. At the outset, we may note that we are in agreement with the reasoning given by the learned Single Judge that a claim for correction of date of birth after a delay of 25 years, ought not to be entertained. The learned Single Judge has placed reliance upon the judgments referred to above to arrive at the said conclusion.
10. The Division Bench apparently got swayed by the fact that in writ jurisdiction, the High Court ought not to have interfered with the finding of CGIT which was based upon appreciation of evidence. Secondly, the School Leaving Certificate/Transfer Certificate was not challenged by the appellant, and since it was not disputed, CGIT had rightly allowed the correction in the date of birth.
11. Moving aside from the above aspect, what is interesting is that the respondent at the time of entering into service had given the details of his dependants which included his wife aged 24 years, four daughters aged 6 years, 4 years, 2 years and 6

months and also his father aged 60 years. The name of the nominee in the service book was mentioned as Smt. Keshari Devi, his wife. The service book was annexed at Annexure P1 before this Court. The fact about the family and dependants is not denied or disputed by the respondent. If the claim of the respondent is accepted, he would be only 18 years of age at the time of entering into the service. Difficult almost impossible to have a wife aged 24 years and four daughters aged between 6 months to 6 years.

12. We also find that there is signature of the respondent on the service book bearing date 17.06.1992. Once he had the knowledge, he ought to have applied for correction in the very beginning. Further, if the respondent had actually studied in matriculation and there was a Transfer Certificate/School Leaving Certificate of 1987, the same ought to have been filed either at the time of joining or at any time soon thereafter. The certificate relied upon has been issued only on 05.11.2015, nearly 28 years after leaving the school. CGIT as well as the Division Bench ought to have given due consideration to this aspect of the matter that the said certificate was issued in 2015 after 28 years of having left school. Furthermore, no

evidence has been placed on record to show that an incorrect date had been recorded due to negligence of some other person. For all the reasons recorded above, we are of the considered view that the Division Bench erred in allowing the appeal.

13. Accordingly, the present appeal is allowed. The impugned judgment of the Division Bench is set aside, and the order of the learned Single Judge is confirmed.

14. Pending application, if any, shall stand disposed of.

.....J.  
(VIKRAM NATH)

.....J.  
(SANDEEP MEHTA)

**NEW DELHI**  
**AUGUST 13, 2025**