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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 24.07.2025

+ W.P.(C) 7976/2024
SMT SUNDER

.....Petitioner

Through: Mr.Lokesh Bhola and
Ms.Sanjana Manchanda, Advs.

versus

THE COMMISSIONER MUNICIPAL CORPORATION OF
DELHI & ANR.Respondents

Through: Ms.Jagrati Singh, SC with
Mr.Rajpal, Mr.Surendar
Kumar, Mr.Sanjay and
Mr.Yuvan Bhatnagar, Advs. for
MCD

CORAM:

**HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN**

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 04.04.2024 (hereinafter referred to as 'Impugned Order') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No. 161/2024, titled *Sunder v. Commissioner Municipal Corporation of Delhi*, dismissing the OA filed by the petitioner herein.

2. The petitioner had filed the above OA challenging therein the Notice dated 10.07.2023, whereby the respondents contended that the petitioner would retire with effect from 31.12.2023.



3. It is the case of the petitioner that the petitioner was born on 01.01.1969. At the time of her regularisation in the Municipal Corporation of Delhi (MCD), her date of birth was duly communicated by her as 01.01.1969, and was in fact, accepted by the respondents. In support of this plea, the learned counsel for the petitioner has drawn our attention to the Communication dated 30.06.1998, that is, the offer of appointment; another Communication dated 30.06.1998, calling her to appear for her medical examination; and the report of the medical examination dated 01.07.1998, issued by the Senior Medical Officer, Primary Medical Centre, Mehrauli. In support, he also places reliance on the Aadhaar Card, as also the PAN Card of the petitioner, which again bear the date of birth of the petitioner as 01.01.1969.

4. The learned counsel for the petitioner submits that the petitioner is an illiterate lady, as is also accepted by the respondents and the learned Tribunal in its Impugned Order. He submits that the petitioner did not know about the entry made by the respondents in the service book of the petitioner, and this fact came to her knowledge only when the Impugned Notice dated 10.07.2023 was issued. He submits that, therefore, the learned Tribunal erred in placing reliance on the service book of the petitioner for upholding the order passed by the respondents, directing to superannuate the petitioner with effect from 31.12.2023.

5. On the other hand, the learned counsel for the respondents submits that the service record of the petitioner bears the date of her birth as 01.01.1964. The said service book has been duly authenticated



by her by marking her finger impressions and has, therefore, been rightly relied upon by the learned Tribunal. She further submits that the petitioner, in support of her claim, has placed reliance on an alleged birth certificate issued by the respondent/MCD which, on verification, has been reported to be not issued by the competent authority.

6. The learned counsel for the petitioner, in rejoinder, submits that as far as the birth certificate is concerned, the same has been downloaded by the petitioner from the internet.

7. We have considered the submissions made by the learned counsels for the parties.

8. It is not denied that the petitioner is an illiterate lady and had authenticated her service book by affixing her finger impressions. The documents such as the Offer of Appointment dated 30.06.1998 and the medical documents referred hereinabove, all bear her date of birth as 01.01.1969.

9. The respondents have not pleaded or shown to us the basis on which the date of birth of the petitioner was recorded, or was later changed to 01.01.1964.

10. Merely because the petitioner had affixed her finger impressions on the service book, therefore, cannot amount to an estoppel against the petitioner, as far as her date of birth is concerned, especially keeping in view the fact that the petitioner is illiterate.

11. The Aadhaar Card and the PAN Card of the petitioner also give record her date of birth as 01.01.1969.

12. We need not go into the question of the authenticity of the birth



certificate issued by the respondent/MCD for purposes of the present petition as there are other documents on the basis of which the date of birth of the petitioner stands established as far as the respondent is concerned.

13. Accordingly, we set aside the Impugned Order dated 04.04.2024 passed by the learned Tribunal, as also the notice of retirement dated 10.07.2023 issued by the respondents herein.

14. The respondents shall reinstate the petitioner to her service. For the period that the petitioner has not worked, the respondents shall release 50% of the wages to the petitioner, however, for all other benefits, the period between the termination of the services of the petitioner and her reinstatement shall be notionally counted as one spent in service.

15. The petition is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 24, 2025/ns/VS