

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00138/2015

Date of Order: This, the 07<sup>th</sup> day of January 2020

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)  
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Sri Hari Chandra Dutta  
 Son of Late Phanidhar Dutta  
 Vill – Barhata, P.O. – Dagaon  
 P.S. – Baihata Chariali  
 Dist – Kamrup (R), Assam.

**...Applicant**

By Advocates: Sri Z. Khalid

-VS-

1. Union of India  
 Represented by the Secretary  
 To the Govt. of India &  
 Director General, Dept. Of Post  
 Govt. of India, New Delhi – 110001.
2. The Chief Post Master General  
 Assam Circle, Guwahati, Panbazar  
 Guwahati, Pin – 781001  
 Dist – Kamrup, Assam.
3. The Senior Superintendent of Post Offices  
 R M S 'GH' Division, Panbazar  
 Guwahati -1, Dist – Kamrup, Assam.

**...Respondents**

By Advocate: Sri S.K. Ghosh, Addl. CGSC

## **O R D E R (ORAL)**

### **NEKKHOMANG NEIHSIAL, MEMBER (A):-**

This is remand case from the Hon'ble Gauhati High Court in WP(C) No. 3537/2015 wherein the case has been remanded to this Tribunal for not having given opportunity of hearing to the petitioners (respondents). Accordingly, the case was heard on 07.01.2020 and dismissed it.



2. The issue relates to the dispute regarding date of birth. As per the applicant, his date of birth should have been recorded as 02.07.1955 based on High School Leaving Certificate of the applicant wherein it has been recorded as 16 years 08 months and 0 days as on First of March 1972. The respondent authorities recorded his date of birth as 01.07.1955 and accordingly, he was retired from service on 30.06.2015 vide order No. B-2/1/17/Pen Corr/Ch-III dated 11.12.2014, Annexure-5, page 12 to the OA. The applicant's O.A. No. 040/00138 of 2015 was disposed of vide order dated 30.04.2015 directing the respondents to consider the case of the applicant and compute his date of birth keeping in view of the decision of Hon'ble Apex Court in the case

of **M/s Bharat Coking Coal Ltd. and others Vs. Chhota Birla Uranw**, **AIR 2014 SC 1975** as well as HSLC passed certificate submitted by the applicant at the time of his initial appointment as well as O.M. dated 31.10.2012 as contained in F.R 56(a) of FR & SR.



3. During the hearing, based on the HSLC certificate of the applicant, his date of birth was calculated in the open court. It was agreed to by all concerned that his date of birth should be 1<sup>st</sup> July 1955 as recorded by the respondent authorities and there is no reason why the date should get shifted to 2<sup>nd</sup> July 1955. His date of birth accordingly was 1<sup>st</sup> July 1955. The respondent authorities rightly have retired him on 30.06.2015 vide order dated 11.12.2014. We found that the O.A. is devoid of merit and liable to be dismissed.

4. Accordingly, O.A. is hereby dismissed. There shall be no order as to costs.

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**