

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH



O.A.350/1139/2018

MA 855/2019

Date of Order: 4.5.2020

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member,
Hon'ble Dr. Nandita Chatterjee, Administrative Member



Probal Chatterjee,
Son of late Abhoyaya Charan Chatterjee,
Aged about 52 years, working as Cabin Master of Bainchi
Railway Station, Under Easter Railway, Howrah Division, residing
at Vill. Bantika Roy Para, P.O. Bainchi, P.S. Pandua, District-
Hooghly, Pin- 712134.

.....Applicant

Vrs.

1. Union of India, through the General Manger, Eastern Railway,
17, N.S.Road, Fairlie Place, Kolkata-700001.
2. Divisional Railway Manager, Eastern Railway, Howrah
Division, Howrah-711101.
3. Senior Divisional Personnel Officer, Eastern Railway, Howrah
Division, Howrah-711101.

.....Respondents

For the Applicant(s): Mr. T.K.Biswas, Counsel

For the Respondent(s): Mr. A.K.Das Gupta, Counsel

ORDER

Bidisha Banerjee, Member (J):

The applicant in this O.A. has sought for the following reliefs:

"a) An order directing the respondents to put the original date of birth of the applicant in his service record as on 11.01.1965 according to original Madhyamik Admit Card and also ignore the date of birth as on 11.1.1960 which was recorded in the service record illegally and wrongfully;

b) An order directing the respondents to produce all the relevant records before this Hon'ble Tribunal which is relating to this case;

c) To pass any such other or further order or orders as to this Hon'ble Tribunal may deem fit and proper."



2. The grievance of the applicant in a nutshell is that his date of birth has been wrongly recoded as 11.01.1960 in place of 11.01.1965 ignoring the original documents and admit card which were submitted before the authority concerned. His representation, with all documents, was not considered. The applicant alleges that the act and action on the part of the railway authorities is in utter violation of the principle of natural justice and equity.

3. Per contra, to refute his claim, Ld. Counsel for the respondents would place the extract of service record of the applicant which demonstrates that the applicant has put his signature on the page which records his date of birth as 11.01.1960. Further, Admit Card of West Bengal Board of Secondary Education, a Check List, Proforma for Family Declaration and Application Form, all bear date of birth as 11.01.1960.

4. Ld. Counsel for the applicant would strenuously urge that the applicant should not suffer for the erroneous recording of date of birth as 11.01.1960 when the certificate of Madhyamik Pariksha, which has the highest probative value in the matters of dispute in date of birth, bears his date of birth as 11.01.1965.

5. We heard the Ld. Counsels and perused the materials on record.

6. In view of the fact that date of birth in Admit Card of Madhyamik Pariksha has highest probative value, the authorities are directed to ascertain from the West Bengal Board of Secondary Education the correctness of the Admit Card and other Certificates (Annexure-A/2 to the O.A.) and to act accordingly.

7. Appropriate order be issued within four weeks of the report from the Board.

8. O.A. is accordingly disposed of. MA 855/2019 also stands disposed of. No costs.



(Dr. Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

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