

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order No.08 Date: 08.05.2002

Heard Mr. P.K.Lenka, Learned Counsel for the Applicant and Mr.A.K.Bose, Learned Senior Standing Counsel for the Respondents who have filed counter in this case. The Applicant, having faced the retirement notice/order under Annexure-1 dated 06.10.1997, has filed the present Original Application on 12.01.1998. Under Annexure-1 dated 06.10.1997, the Applicant was intimated by the Respondents that his date of birth being 15.01.1933, ~~he~~ the Applicant is to retire/face superannuation on 14.01.1998 from the post of E.D.B.P.M. of Sidheswar Branch Post Office in account with Ballipada Sub-Post Office under Berhampur Head Post Office. It is the case of the Applicant, as made out in this Original Application, that his date of birth is not 15.01.1933, but the same is 15.01.1934. In support of his said grievances, the Applicant has placed on record Annexure-2/1 dated 29.11.1997; which is a Duplicate Transfer Certificate of old T.C.No.214 of Book No.8 of George V. High School of Ganjam. In the said Annexure-2/1, it has been disclosed that the date of Birth of one Bhaskar Bisoyi, son of Kalu Bisoyi is 15.01.1934. The Applicant has placed on record certain documents under Annexure-3 series to show that his date of birth was noted to be 15.01.1934. While these two documents could not generate much confidence to be accepted, the Respondents have placed on record two documents enclosed to their counter as Annexures R/1 and R/2. Annexure-R/1 to the counter is the descriptive particulars maintained by the Respondents for the last 50 years wherein

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the Applicant has signed on 22nd April, 1952 disclosing his date of birth to be 15.01.1933. Under Annexure-R/2 also the date of birth of the Applicant has been recorded to be 15.01.1933. These two year-old documents, filed as Annexure-R/1 and Annexure-R/2, generate full confidence and it is not the case of the Applicant that these two documents are anywhere not to be relied upon. It is also not the case of the Applicant that at any point of time, subsequent to the drawal of the documents under Annexure-R/1 and Annexure-R/2, the authorities considered the matter and consciously decided to make any correction of the date of birth of the Applicant from 15.01.1933 to 15.01.1934. Law is well settled that one should not be allowed to change his date of birth (as recorded in the service papers) at the fag end of his employment. Therefore, the belated attempt of the Applicant, long after receipt of the retirement notice under Annexure-1, for correction of his date of birth from 15.01.1933 to 15.01.1934 is bereft of any merit and, as a consequence, this Original Application is dismissed. However, there shall be no order as to costs.


J. S. Ahalya
08/05/2002
MEMBER (JUDICIAL)

Free copies of cost final
Order 24.8.5.02 issued
to counsel for both
sides.

P.W.
S.O.(J)

DS
27/5/02