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O.A.NO.154 OF 2001

ORDER DATED 12-12-2001.

Heard Shri J.Patnaik, Learned Counsel for the Applicant and Shri A.K.Bose, Learned Senior Standing Counsel appearing for the Respondents and have also perused the records.

In this Original Application, the applicant has prayed for quashing the order dated 22-11-2000 at Annexure-5 retiring him from the post of EDBPM, Kalikaprasad Branch Post Office w.e.f. 16.5.2001 taking his date of birth as 17-5-1936. He has also prayed for quashing the order at Annexure-9 rejecting his representation for changing his date of birth and consequently his date of superannuation. Respondents have filed counter opposing the prayer of applicant and applicant has also filed rejoinder.

For the present purpose, it is not necessary to go into too many facts of this case. Briefly stated the admitted position is that the applicant was appointed to the post of EDBPM, Kalikaprasad Branch Post Office on 22-11-1960. It is also admitted position that in letter dated 6-3-1986 at Annexure-2, the ED staffs were called upon to furnish the information with regard to the date of birth and date of appointment alongwith the SLC and the order of appointment if available. Applicant submitted the above ^{information} at Annexure-3 showing his date of birth as 1.8.1937. It has been submitted by

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7

learned counsel for the applicant that the gradation list for preparation of which, the information was called for, was never prepared or circulated. He had, therefore, no knowledge that in the Departmental records, his date of birth has been taken wrongly according to him as 17.5.1936. It is submitted by learned counsel for the applicant that the SLC which is at Annexure-1 shows his date of birth as 1.8.1937. He has also stated that inspite of his representations to take his date of birth correctly as 1.8.1937, no consideration has been shown to him. His third point is that in the Inspection report of his Branch Office, copy of which has been enclosed by him alongwith the OA, his date of birth has been shown as 1.8.1937. In the context of the above, the applicant has come up in this Original Application with the prayers referred to above. Before proceeding further it must be stated that the date recorded in the inspection report can not be a guide for determination of the date of birth because while drawing up the Inspection report and putting the date, no enquiry is made with regard to the correctness of the date. So far as SLC is concerned, Respondents have pointed out that when the applicant was appointed in 1960 on the same day his descriptive roll was drawn up - xerox copy of the descriptive roll is at Annexure-3. From this, we find that the date of birth of applicant is mentioned as 17.5.1936. Applicant has signed this descriptive roll and therefore, it must be taken that he has acknowledged the same at the time of his initial appointment that

his date of birth is 17.5.1936. Moreover, at Annexure-R/2 which is an attestation form signed by the applicant, in which also the date of birth has been shown as 17.5.1936. This attestation form has also been drawn up on 22.11.60. From the above we find that at the time of the appointment of the applicant, he himself declared his date of birth as 17.5.1936. It is submitted by Shri Patnaik, learned counsel for the applicant that he had signed the blank form of the document at Annexures-R/1 and R/2 and these were later on filled up putting the wrong date of birth. We are unable to accept this contention because in Annexure-2/2, besides putting the signature, the applicant has mentioned the name of his referee in his own hand. It is also not believable that the applicant who was appointed to a responsible job of EDBPM has signed on blank form/paper. This contention is therefore, not accepted. Having indicated his date of birth at the time of his initial appointment as 17.5.1936, it is not open for the applicant to question this at the fag end of his service career. Respondents have pointed out that the applicant has

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submitted the SLC only after getting the notice of retirement. This averment has not been denied by the applicant in his rejoinder. Law is well settled that any request for correction of date of birth at the fag end of service career, can not be entertained.

In view of our above discussions, we hold that the application is without any merit and the same is rejected. No costs.

(NITYANANDA PRUSTY)
MEMBER (JUDICIAL)

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VICE-CHAIRMAN