

OA 16/2001

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission.

Rejoinder not
filed.

Patra Bench
Hs-102

Or. No. 13 Dt 13.3.2002

Call on 8/5/2002 for final
disposal at the stage of admission. Rejoinder,
if any, be filed in the mean time.

Member (T)

ORDER NO. 14, DATED 08-05-2002.

Applicant in this Original Application challenges the retirement notice dated 17.11. 2000 at Annexure-1 on the ground that his date of birth being 27-12-1939, he has to be allowed to continue in service as EDDA/MC, Misakhari BO till 27-12-2004.

Respondents have filed their counter stating therein that since the Applicant's date of birth, as furnished by him at the time of entry into the service is 22-1-1936, as per the Rules, he has to retire on attaining the age of 65 years i.e. on 21-1-2001. Nothing wrong has been committed by the Respondents in issuing such a show cause notice under Annexure-1. Further it is stated that the Applicant never represented for such change of the date of birth as alleged in the present Original Application and only after getting the retirement notice, he has ~~made~~ made a representation for changing his date of birth.

Law is well settled in the case of Union of India vrs. Harnam Singh (1993 (24) ATC 92) and in the case of State of Tamilnadu vrs.

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Free Copy of
the order dt. 8-5-02
given to the
both Counsel.

Rebn.
10/5-

Ans.
10/5

S-D

OA. 16/01

TV Venugopal (1994 SCC (L&S) 1385 that such request of change of date of birth at the fag end of service career, need not be entertained. In the above decisions, the Hon'ble Apex Court have also deprecated the action of the Govt. servants in making request for change of date of birth at the fag end of their service career.

In view of the settled position of law, I do not find any merit in this Original Application, which is accordingly rejected. No costs.

Manoranjan Mohanty

(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 08/05/2002