

6

OA 171/02

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

1) For hearing.
2) Rejoinder ~~not~~ filed.
Copy served.
Bench

MJ
22/11/02

Records recd. on
today.
MJ
22/11/02

For hearing.

MJ
3/12/02
Bench

Order dt. 04.12.2002

Heard Mr. B. K. Biswal, learned Counsel appearing for the Applicant and Mr. A. K. Bose, learned Senior Standing Counsel of Union of India, appearing for the Respondents.

2. The Applicant is a E.D.B.P.M. He entered into service with effect from 08.03.1964 ~~xxxx~~ He was asked by the Departmental authorities to face retirement from service with effect from 03.04.2002 by treating him to have attended 65 years of his age. The Department has considered his date of birth as 04.04.1937. It is a case of the Applicant that his date of birth to be 04.04.1939. In support of his stand, the Applicant has placed on record the School Leaving Certificate (granted to him ^{on} 08.03.2002) wherein his date of birth has been mentioned as 04.04.1939. The descriptive particulars/rolls which was drawn at the time of joining/entry into service has not been placed on record, by the Respondents, in order to give a rest to the matter in issue. It is stated by the learned Senior Standing Counsel that the Applicant was out of employment for a long period from 29.06.1984 to 25.09.2001 and, therefore, the descriptive particulars/rolls ^{of the Applicant,} which was ~~drawn~~ ^{his} at the time of ^{his} entry into service, has been misplaced. However, the Respondents have placed on record the gradation list said to have been maintained by them/Respondents. This document under Annexure R/1 (gradation list) goes to show that the column mentioned to record the date of birth of the Applicant has been distorted; as a result of which it is not clear as to whether the year of birth is 1937 or 1939. However, the overwriting goes to show the date of birth is 04.04.1937. In that view of the matter, the said document (under Annexure R/1) cannot support ^{either of} the ~~stand~~ ^{stand} that the date of birth as 04.04.1937 or

MJ
3/12/02

04.04.1939.

3. In the aforesaid premises, the Respondents should take expeditious steps to verify the records (^{including} the School Leaving Certificate and also the School records) and take a decision in the matter by the end of January, 2003 and, until then, the interim orders passed on 04.04.2002 shall remain in force.

4. With the aforesaid observations and directions, this Original Application is disposed of and the Respondents should act accordingly. No costs.

5. Send copies of this order to all the Respondents and free copies of this order be also handed over to the Counsels appearing for both the parties.

M. R. Mohanty
04.12.2002
(M. R. MOHANTY)
MEMBER (JUDICIAL)

Copy of order dt. 4/12/02 issued to all the respondents by posts. The same copy issued to counsel for both side.

B. S. O.
11.12.02

M. R.
11/12/02