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O.A. No. 968 OF 2005.

Order dated 26-05-2006.

Applicant (Nakul Charan Gochhayat) an employee of the Small Industries Service Institute of the Government of India by filing this Original Application under section 19 of the Administrative Tribunals Act, 1985 has sought for a direction to the Respondents to record his correct date of birth as "21-04-1948" in place of "28-12-1945" in his service book and accordingly, direction be issued to the Respondents to allow him to retire on attaining the age of 60 years taking into consideration his correct date of birth as "21-04-1948". On receipt of notice, the Respondents have filed their counter opposing the prayer of the Applicant and the Applicant has also filed rejoinder to the counter filed by the Respondents.

Heard Mr. Dillip Kumar Mohanty, Learned counsel appearing for the Applicant and Mr. P.R.J. Dash,

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learned Additional Standing Counsel appearing for the Respondent Department and perused the materials placed on record. At the out set, by drawing my attention to the decision of the Government of India , Ministry of Home Affairs Office Memorandum dated 5th June, 1954 reported in Chapter 58 of Swamy's Manual on Establishment and Administration, it has been submitted by the learned counsel appearing for the Applicant that as the Authorities have the power and competence to accept/correct the wrong entry of date of birth recorded in service record of an employee at any point of time a direction be issued to the Respondents to consider and dispose of the representation of the Applicant made under Annexure-A/10 dated 19-12-2005 which is still pending with the Respondents. On the other hand, Mr. Dash, the Learned Additional Standing Counsel appearing for the Respondent-Department has submitted that as the matter is otherwise ready for final disposal, this may be heard and disposed of finally. As the submission of the learned counsel appearing for the

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Applicant is genuine and would not cause any prejudice to either of the parties, this Original Application is disposed of with direction to the Respondents to consider and dispose of the representation of the Applicant under Annexure-A/10 dated 19-12-2005 as per Rules with a reasoned order within a period of 60 days from the date of receipt of a copy of this order and communicate the result thereof to the Applicant. There shall be no order as to costs.

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MEMBER (ADMN.)