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OA No.143 of 2011
Binod Nayak Applicant
Vs
Union of India & Ors. ... Respondents

Order dated 20-04-2011.

C O R A M
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)
AND
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

.....

Heard. Perused the records.

2. Applicant prays to quash the order dated 04-12-2010 and to direct the Respondents to correct his date of birth as 31-10-1954 instead of 31.10.1951.

3. Respondents filed their counter in which it has been stated that the applicant was initially engaged on casual basis for sweeping work from 5.6.1967 to 1.1.1971 on casual basis. Thereafter on 2.1.1971 he was appointed as regular Supporting Staff Grade (SSG.I) as a Sweeper. Hence the assertion of the applicant that he was initially appointed as a Driver was denied by the Respondents. It was contended that the applicant was appointed as T-1 (Driver) w.e.f. 28.12.1981. His date of birth as verified by Assistant Plant Physiologist is 31-10-1951. The Applicant in all his correspondence made earlier has disclosed his date of birth as 31.10.1951. In his application for voluntary retirement dated 17.12.1999 he has also disclosed his date of birth

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as '31-10-1951'. In the family declaration form the applicant had also disclosed date of birth as '31.10.1951'. The original date of birth of the applicant is '31.10.1951'. But subsequently, for the change of the date of birth of the applicant as '03.10.1953' & '31.10.1954' in the service record, an inquiry committee was constituted to investigate the tampering. Inquiry Committee is of the opinion that the tampering of service record has been done in connivance with some office staff and suggested taking departmental action in the matter. Further it was contended by the Respondents that if his date of birth would be taken as '31.10.1954' then he could not have been appointed in the department on 02-01-1971 as the minimum age of entering to the government service is 18 years. On the above grounds Respondents opposed the prayer of the Applicant. No unimpeachable material has been produced by the applicant for this Tribunal to believe that the date of birth of the applicant is '31.10.1954'. It is the case of the Respondents that an ~~baseless~~ enquiry was conducted by a Committee duly constituted. The Committee opined tampering of date of birth with the connivance of the staff and suggested departmental action. But nothing is available on record that the applicant was afforded opportunity during the said enquiry. In the above circumstances this OA is disposed of with direction to the

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Respondents to cause an enquiry by affording reasonable opportunity to the Applicant and see that the matter is set at rest for all times to come. No costs.

(A.K.PATNAIK)
Member(Judicial)

(C.R.MOHAPATRA)
Member(Admn.)

