

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.1535 of 1996

01.3.2000
Date of order: 01.3.2000

Present : Hon'ble Mr. Justice S.N.Mallick, Vice-Chairman
Hon'ble Mr. B.P. Singh, Administrative Member

BENUDHAR NAYAK .

VS

UNION OF INDIA & ORS. (TELECOM)

For the applicant(s) : Mr. R.N. Ghorai, counsel

For the respondents : Mr. S.P. Kar, counsel

O R D E R

S.N.Mallick, VC :

We have heard Mr. R.N. Ghorai, ld. counsel appearing for the petitioner and Mr. S.P. Kar, ld. counsel appearing for the respondents. The connected departmental records including the Service Book of the petitioner have been produced before us.

2. In this O.A. the petitioner has challenged the date of birth as recorded in his Service Book and has prayed for the following reliefs :-

1. Orders directing the Respondents to rescind,

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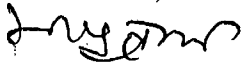
II. Order directing the Respondents to record the date of birth of the applicant as 24.4.1942, which was declared by the applicant at the time of his appointment on 14.12.70 and was accepted duly by the Respondents in terms of Order 39 of the Certified Standing Orders, in cancellation of the erroneous entries made against item 6 on the first page of the Service Book of the Applicant."

3. It is the case of the petitioner that the date of birth has been wrongly recorded in his Service Book as 10.1.1937 instead of 24.4.1942. The petitioner has contended that he came to know the wrong date of birth as noted in his Service Book after the passing of the impugned order dated 29.2.1996 (Annexure 'A') whereby the petitioner alongwith others was notified to retire on 31.1.1997. Thereafter the petitioner has made representations to the respondent authorities as per Annexure- 'A-7' dated 9.5.1996 and dated 16.10.1996 as per Annexure -'A-4'. It is interesting to note that in none of his representations he disclosed his alleged actual date of birth i.e. 24.4.1942 with any supporting documents. The Service Book has been produced before us which shows his date of birth recorded as 10.1.1937 which is signed by the petitioner as well as by the Supervising Officer as per extant rules. Admittedly the petitioner never challenged the date of birth as recorded in the Service Book till the impugned order of retirement was passed on 29.2.1996.

4. In that view of the matter also the application is barred by limitation. Further more, it does not stand on merit as there is no material on record to show that his

actual date of birth was 24.4.1942 and not 10.1.1937 as officially recorded in his Service Book. The application is devoid of any merit for which it is dismissed.

5. No order is passed as to costs.



MEMBER(A)



VICE-CHAIRMAN

a.m.