

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 54 of 97

Present : Hon'ble Mr. D. Purkayastha, Judicial Member.

Hon'ble Mr. B.P. Singh, Administrative Member.

PRANTOSH CHANDRA

- V E R S U S -

DEPTT. OF POST

For the applicant : Ms. S. Banerjee, counsel.

For the respondents : Mr. S.N. Das, counsel.

Heard on 16.3.99

Order on 16.3.99

O R D E R

D. Purkayastha, JM

Heard Id. counsel of both the parties. The applicant in this case claims that he had furnished his date of birth as on 11.3.1939 at the time of his initial appointment as ED agent. But in the service book it was erroneously written as 3.11.1938. It was alleged that he was wrongly asked to retire from service w.e.f. 30.11.96 vide letter dated 29.9.95 (Annexure-A). Thereafter he made several representations to the authority but these were turned down. Hence he filed this case for correction of his date of birth as per his statement. The applicant could not produce any basic document i.e. School Certificate in support of his case. The respondents produced the service book of the applicant. We find that the applicant's date of birth was written in the service book as on 3.11.1938 as per his own declaration at the time of entry in the service book. From the said service book it is found that there is a over-writing in place of date and month only. The said recorded date of birth i.e. 3.11.1938 has been attested by a responsible officer of Postal Deptt. with his signature and seal. The year 1938 was not tampered/overwritten. So in our view, no wrong has been done in the service book of the applicant.

2. The applicant has come before this Tribunal only after getting the retirement notice dated 29.9.95 from the respondents. It is mentioned in the representation dated 17.6.96 (Annexure-D to the application) that the applicant had no documents at present at his hand in support of his date of birth. So, the respondents were unable to make correction of the same, as prayed for by the applicant.

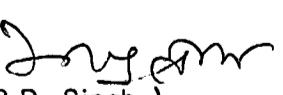
3. In view of the aforesaid circumstances, we find that the applicant has come before this Tribunal only after getting the notice of retirement from the respondents. Prior to that, the applicant never made any representation regarding the correction of his date of birth. But Mrs. Banerjee, Id. counsel for the applicant submits that the applicant has <sup>no</sup> scope to peruse the service before getting the notice of retirement dated 29.9.95.

4. We find that the said application cannot be allowed in view of the recent decision of the Hon'ble Apex Court in Burn Standard Co.Ltd. & Ors. Vs. Dinabandhu Majumdar and Anr. reported in AIR 1995 SC 1499. The Hon'ble Apex Court held in this case as under.

" Ordinarily High Courts should not, in exercise of its discretionary writ jurisdiction, entertain a writ application/petition filed by an employee of the Government or its instrumentality, towards the fag end of his service, seeking correction of his date of birth entered in his 'Service and Leave Record' or Service Register with the avowed object of continuing in service beyond the normal period of his retirement."

5. Admittedly, no basic documents could be produced by the applicant in support of his date of birth. So, we have no hesitation to hold that the application is devoid of merit and it is not maintainable. Accordingly it is dismissed.

6. No order is passed as to costs.

  
B.P. Singh  
Member (A)

  
(D. Purkayastha)  
Member (J)