


O.A. - 21/96

1/11.1.1996

Hon'ble Mr. K.D. Saha, Member (A)

Adjourned to 12.1.1996 for admission.

MPS.


(K.D. Saha)
Member (A)

2/12.01.96

Hon'ble Mr. K.D. Saha, Member (A)
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Heard the learned counsel for the applicant. The prayer in this application is that the applicant's service in the Department may be continued according to the date of birth which is mentioned in ^{his} ~~the~~ School Leaving Certificate i.e 02.01.1940. It appears that the applicant was working as a casual labour in the Telecom Department from 1966 and was confirmed in the department in the year 1972. The applicant is at present working as Operator Gr-I, Township Max-Exchange, Bokaro Steel City Ltd., Bokaro. It further appears that at the time of joining service the applicant mentioned his date of birth in his application as 02.01.1938 due to non-availability of School Leaving Certificate which has become available now and in the ~~Transfer~~ Certificate issued by the School concerned, his date of birth is mentioned as 02.01.1940. On receipt of a communication from the department, as At Annexure-A/2, dtd. 1/2-11-95 that the applicant is due to superannuate on 31.01.1996 A/n, the applicant submitted a legal notice to the respondent no. 4 to correct his date of birth in the records indicating 02.01.1940 instead of 02.01.1938, and as no reply has been given, he has filed this O.A.

2. This is a division bench matter. Since, no Division Bench is available and there is no likelihood


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that a Division Bench would be available shortly, I take up this matter, as prayed for by the learned counsel for the applicant, as the matter is very urgent since, the applicant is due to superannuate on 31.01.1996.

3. Considering the submissions of the learned counsel for the applicant and going through the averments made in this application, I am of the view that this application may be disposed of by giving direction to respondent no.4 to dispose of the legal notice-cum-representation, as at Annexure-A/3, dtd. 13.11.1995 by a reasoned and speaking order, if possible, by giving personal hearing ^{to the applicant} within two weeks from the date of communication of this order.

4. Accordingly, I hereby direct the respondent no.4 to dispose of the application, ^{as} at Annexure-A/3, as aforesaid, by ^a speaking and reasoned order ^{if possible} after giving personal hearing to the applicant, ~~if possible~~, within a period of two weeks from the date of communication of this order.

5. The application is disposed of accordingly. Let a copy of this order be handed over to the learned counsel for the applicant.

(K.D.Saha) 12.1.96
Member (A)