

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

O.A.No: 262 of 1998

14-3-2000.
DATE OF DECISION.....

Shri Kosheswar Rai,

(PETITIONER(S))

Mrs. B.Dutta Das

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.S. Sarma

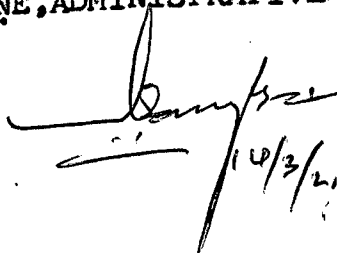
ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR.G.L.SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE SMT. LAKSHMI SWAMINATHAN, JUDICIAL MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble G.L.SANGLYINE, ADMINISTRATIVE
MEMBER


10/3/20

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.262 of 98

Date of Order: This the 14th Day of March 2000

HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER
HON'BLE SMT. LAKSHMI SWAMINATHAN, JUDICIAL MEMBER

Shri Kosheswar Rai,
Son of Late Makhan Lal Rai,
Technician Grade II(3)
Resident of Qr.No.B.24, Regional Research Laboratory,
Jorhat-785006
... Applicant

By Advocate Mrs. B.Dutta Das

-Vs-

1. Union of India,
represented by the Director General and Secretary
to the Govt of India,
Ministry of Science and Technology,
Council of Scientific and Industrial Research,
Anusadhan Bhawan, Rafi Marg, New Delhi-110001.
2. Director, Regional Research Laboratory,
Jorhat-785006. Assam
3. Controller of Administration,
Regional Research Laboratory,
Jorhat-785006. Assam ... Respondents.

By Advocate Mr.S.Sarma.

O R D E R.

G.L.SANGLYINE,ADMINISTRATIVE MEMBER :

The applicant was a Mali (Gardener) in the office of the Respondent No. 2 & 3 at Jorhat. He joined the service on 9.10.1963. He continued his service till 31.5.1998 afternoon when on reaching the age of superannuation, he was relieved of his duty by the order No.RLJ-14(19)-Estt/63 dated 1.6.1998. In this application the applicant has impugned this order dated 1.6.1998, Annexure 2 and order dated 1.6.1998, Annexure 3, rejecting his representation dated 29.5.1998 and prays that he was to be allowed to go on retirement only with effect from 31.8.1998.


2. None appeared for the applicant. We have heard learned counsel for the respondents. Since the applicant is not represented we have carefully perused his application and considered his contentions therein. We have also perused

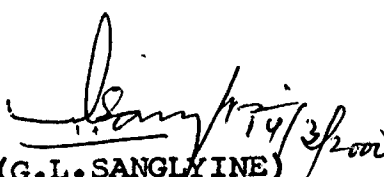
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the records, namely, the Service Book of the applicant, produced by the respondents.

3. The applicant did not submit any certificate showing his age except the Medical Certificate of fitness of first entry into Government service issued by the Assistant Surgeon Grade I, B.B.Civil Hospital, Jorhat dated 17.8.1963. By this Certificate it has been shown that the applicant made a statement before the doctor that as on that date he was 25 years old and it was certified by the Doctor that by appearance the applicant was about 25 years old as on the date. The service Book of the applicant was maintained by the respondents. In the first page of the Service Book the Date of Birth of the applicant as nearly as can be ascertained was recorded as 4.5.1938 based on the statement made. The applicant had signed the first page of the Service Book below the entry of his date of birth and other particulars. The Service Book was also accessible to him from time to time as would be seen from the various signatures affixed by him in the Service Book. Prior to 29.5.1998 the applicant had not made any representation to correct his date of birth so as to justify his contention that he was due to retire on 31.8.1998. He had made representation only on 29.5.1998 immediately before the date of his superannuation. It is settled law that such belated ^{recorded} representation to effect change of /date of birth is not entertainable in law. In view of the above position we decline to interfere with the action of the respondents in rejecting the representation dated 29.5.1998 submitted by the applicant and directing him to retire from service with effect from 31.5.1998(AN).

In the result the Original Application fails. The application is disposed of. No order as to costs.


(Smt) LAKSHMI SWAMINATHAN
JUDICIAL MEMBER


(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER