

30/100
6
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 465/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Application No. 465 /2001

Applicant(s) :- Sushil Kumar Sarma

Respondent(s) :- CLG & ONS

Advocate for the Applicant :- Mr J. L. Sarkar, Mrs S. Deb Roy
T. Das

Advocate for the Respondant:- CGSC

Notes of the Registry	Date	Order of the Tribunal
This is an application in form C.F. for Rs. 50/- deposited vide IPD/38 No 64 290198	5.12.01	<p>Heard Mr. J. L. Sarkar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.</p>
Dated <u>27/11/2001</u> <u>Dy. Registrar</u>		<p>Issue notice of motion. Returnable by two weeks.</p> <p>Respondents are directed to show cause as to why interim order as prayed for shall not be allowed, as regards the applicant.</p> <p>Meanwhile, the operation of the circular (Annexure-C) dated 12.7.01 shall remain stayed in respect of the applicant.</p>
Two copies has been filed for the applicant's counsel <u>WPA</u> <u>4/12/2001</u>		<p>List on 19.12.01 for admission.</p> <p>Endeavours shall be made to disposed of the matter at the next date of hearing.</p>
Notice prepared and sent to the DLS for issuing the Respondent No 163 <u>Dr. Regal AD.</u> <u>11/12/01</u>		<p><u>ICU</u> Member (J) <u>Member (A)</u></p>
<u>D/No 4521 W/23</u> <u>Dtd 12/12/01</u>	mb	

Order dtd 19/12/01
Communicated to The
Parties Commr.

24/12

19.12.01 List on 15.1.2002 for admission.

Endeavour shall be made to disposed of
the same at admission stage.

The respondents are directed to file
written statement if any. Meanwhile, interim
order dated 5.12.2001 shall continue.

No written statement
has been filed.

mb

24/12

15.1.02

I C Ushan

Member

Vice-Chairman

Prayer has been made on behalf of
Mr. J. L. Sarkar learned counsel for the
applicant and Mr. A. Deb Roy, Sr. C. G. S. C
and case is adjourned to 21.1.02 for
Admission.

I C Ushan

Member

Vice-Chairman

1m

21.1.02

Heard Mr. J. L. Sarkar, learned counsel
for the applicant.

The applicant is admitted. Call for
the records. The respondents are yet to file
written statement though time was granted.

Meanwhile, interim order dated
5.12.2001 shall continue.

List on 21.2.2002 for order.

I C Ushan

Member

Vice-Chairman

mb

20.2.02

21.2.02

List on 8.3.2002 to enable the respondents
to obtain necessary instructions.

I C Ushan

Member

Vice-Chairman

mb

O.A 465/2001

Notes of the Registry

Date

Order of the Tribunal

8.3.02

Mr. A.Chakrabarty, learned counsel appearing for the applicant submitted that the Respondents have considered the case of the applicant and granted the relief. Therefore, he does not want to press the application. Heard Mr. A.Deb Roy, learned Sr. C.G.S.C. for the Respondents. Considering the development of the matter, the application is dismissed at not pressed. A Copy of the order dated 11.1.2002 is placed on records

22.3.2002

Copy of the Judgment has been sent to the Office for issuing the same to the Parties

AS

22/3

mb

I C I C S ha

Member

4

Notes of the Registry	Date	Order of the Tribunal

5/12/01
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati Bench : Guwahati

An Application under Section 19 of the Administrative Tribunal Act, 1985.

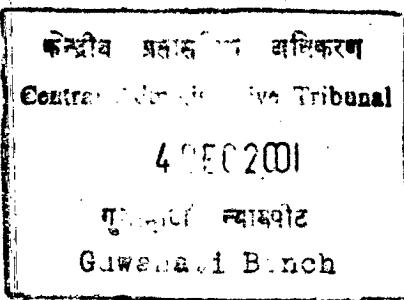
O.A. No. 465/2001

Title of the Case :

Sri Sushil Kumar Sarmah

-vs-

Union of India & Ors.



I N D E X

Sl. No.	Annexure	Description of documents	Page
1.	6	Application	1-8
2.	A	Copy of the Judgment in OA No. 174/98 dt. 11.1.2000.	9-11
3.	B	Copy of the Order in W.P.(C) No. 7274/2001 dt. 3.1.2001.	12-13
4.	C, D and E	Copy of the list dt. 12.7.2001 representations dt. 18.7.2001 and 21.7.2001.	14-17, 18, 19-21
5.	F and G	Copies of the letters dt. 29.8.2001 and the reply dt. 6.9.2001.	22, 23
6.	H and I	Copy of the letter dt. 9.10.2001 and Note of the Legal Branch dt. 24.8.2001	24, 25
7.	J	Copy of the representation dated 12.10.2001.	26
8.	K	Copy of the representation dt. 13.11.2001.	27

Filed by the Applicant - Mrs. S. D. Advocate - Advocate
The Plaintiff - Advocate
K. Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI.

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE ACT 1985.

*27.11.01
Mrs. S. Debn
Advocate
Anupam
Applicant*

Sri Sushil Kumar Sarmah,

Son of Late M.G. Sarmah,

Working as Superintendent, Record Branch,

Director General, Assam Rifles,

Shillong - 11.

..... Applicant

-Versus-

1. Union of India

Represented by the Secretary to
the Government of India,

Ministry of Home Affairs,

New Delhi - 110001.

2. Director General, Assam Rifles,

Shillong - 793011.

3. Deputy Commandant,

Establishment Officer,

Directorate General, Assam Rifles,

Shillong - 793011.

... Respondents.

1. Particulars of the Order against which the application is made :-

The application is made against the office circular No. I. 11023/1/98 - EST/299 dated 12.7.2001 showing the date of retirement of the applicant as 1.2.2002 instead of 1.2.2003,

ignoring the judgment of this Hon'ble Tribunal in O.A. No. 174/98.

2. Jurisdiction :-

The applicant declares that the subject matter against which the application is made is within the jurisdiction of the Tribunal.

3. Limitation :-

The applicant further declares that the application is within the limitation prescribed by the Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the Case :-

4.1. That the applicant is a citizen of India and as such he is entitled to the rights and privileges guaranteed by the Constitution of India. He is now working as Superintendent under Respondent No. 2.

4.2. That the applicant begs to state that he passed matriculation examination in the year 1961 and as per matriculation certificate his date of birth is 1.2.1943. But, by mistake it was shown 1.2.42 in his service book. It was detected in the month of July, 1991. The applicant prayed before the authority by represent for correction of his date of birth as per matriculation certificate. Thereafter, the applicant filed an original application before the Hon'ble Central Administrative Tribunal which was registered as O.A. No. 174 of 1998 and the Hon'ble Tribunal has been pleased to pass judgment dt. 11.1.2000 holding the date of birth of the applicant as 1.2.1943 and not 1.2.1942. That judgment was challenged by the respondent authorities before the Hon'ble High Court by filing a Writ petition registered as W.P.C. No. 7274/2000. The Hon'ble High Court by order dt. 3.1.2001 dismissed the petition in limine.

Copies of the judgment and order dt. 11.1.2000 and 3.1.2001 passed by the Hon'ble CAT and Gauhati High Court are enclosed as Annexure - A and B.

4.3. That the applicant begs to state that the respondents have circulated the names of the Govt. servants due for retirement within next 1st July, 2001 to 31 December, 2003 vide No. I. 11023/1/98 - EST/299 dated 12.7.2001. In that list the date of retirement of the applicant has been mentioned as 1.2.2001. But as per Hon'ble Central Administrative Tribunal's judgment the retirement of the applicant should be 1.2.2003. The retirement age of the Govt. servant has been raised to 60 yrs as per office memorandum dated 18.12.98, i.e. after the judgment of the Hon'ble CAT. The applicant has submitted representation dated 18.7.2001 against the said list dt. 12.7.2001 because his name has been included arbitrarily.

Copies of the list dt. 12.7.01 representations dt. 18.7.2001 and 21.7.01 are enclosed as Annexures C, D and E.

4.4. That the applicant states that the respondent has directed the applicant to furnish the birth certificate vide letter No.I 11011/13/79-EST/Vol-II/184 dt. 29.8.01. On reply to this the applicant has submitted a representation dt. 26.9.01 with the contention that at the time of his birth there was no system of issuing birth certificate and referred the judgment of the Hon'ble CAT. Gauhati Bench. The applicant begs to state that the matter is already settled and the respondents are harassing the applicant.

Copies of the letters dt. 29.8.01
 and the reply dt. 29.8.01 are enclosed
 as Annexure F & G respectively.

4.5. That by a letter No. I 110/1/13/79 - EST/Vol -II/193 dated 9.10.2001 from the office of the respondent No. 2 the applicant has been sent a copy of the notice of legal Branch which indicates that review petition has been filed before the Hon'ble High Court against the order dated 3.1.2001 in W.P.(C) No. 7274/2000. The applicant states that he is not aware of any such review petition nor he has received any notice from the High Court. Moreover the applicant humbly submits that on such grounds the applicant cannot be retired from service neglecting the correct date of birth, as upheld by this Hon'ble Tribunal, and confirmed by this Hon'ble High Court. The applicant has submitted representation dated 12.10.2001.

Copy of the letter dated 9.10.2001 with the enclosed noting the Legal Branch is enclosed as Annexure H and I respectively.

Copy of the representation dated 12.10.2001 is enclosed as Annexure - J.

4.6. That at the time of filing the O.A. No. 174/1998 the age of retirement on superanuation was 58 years. His date of birth is 1.2.1943 and date of retirement would be 1.2.2001. The age of retirement has been increased to 60 years and as such the date of retirement now shall be 1.2.2003. The respondents sent pension papers to the applicant taking date of retirement 1.2.2002. The applicant has returned the same blank.

Copy of the representation dated 13.11.2001 is enclosed as Annexure - K.

4.7. That deliberate negligence and non-compliance of the order of the Hon'ble Tribunal in OA No. 174 of 1998 is contempt of the Hon'ble Tribunal

5. Grounds with legal provisions :-

5.1. For that the retirement age of the applicant is 1.2.2003 as per correct date of birth upheld by this Hon'ble Tribunal in OA No. 174/1998.

5.2. For that the Hon'ble High Court has confirmed the date of birth of the applicant by dismissing the W.P.(C) No. 7274/2000 which was filed by the respondents.

5.3. For that the impugned list circulated for retirement ie Annexure . C . is contempt of the Hon'ble Tribunal.

5.4. For that the name of the applicant has been included arbitrarily in the impugned list.

5.5. For that after the ^{judgement of this Hon'ble Tribunal} _{Central Govt.} filing of OA. 174/98 in the retirement age of the Govt. Servant has been raised to 60 years. As per judgement of the Tribunal the date of retirement is 1.2.2003 and not 1.2.2002.

5.6. For that the respondents have no power to retire the applicant on the wrong date of birth.

5.7. For that with 58 years as age of superanuation for retirement the retirement date of applicant was 1.2.2001, the age of 58 being revised as 60, the correct date of retirement is 1.2.2003.

6. Details of remedies exhausted :-

The applicant declares that he has availed the remedies by submitting representations but these are not considered by the respondents.

7. Matter not pending before any other Court :-

The applicant declares that he has not filed any other case or application before any other Court/Tribunal and no such application or writ petition or suit is pending before any of them.

8. Reliefs Sought For :-

In view of the facts mentioned in para 4 above the applicant prays for the following reliefs :-

1. The judgment dt. 11.1.2000 in OA No. 174/98 be implemented and accordingly the retirement date be fixed as 1.2.2003.

2. As per Matriculation Certificate and upheld by this Hon'ble Tribunal the correct date of birth be considered for retirement of the applicant i.e., 1.2.2003.

3. The name of the applicant in the list of the Govt. servant for retirement in circular dated ^{12.7.2001} be deleted, or date of retirement corrected as 1.2.2003.

4. Any other relief/reliefs the Hon'ble Tribunal deems fit and proper.

5. Invoke the power of contempt of the Court.

6. Cost of the Case.

9. Interim Order prayed for :-

Pending final decision on the application, the applicant seeks the following interim reliefs :-

1. The communication of date of retirement of applicant is circular dated 12.7.2001 be stayed, and applicant continued in services on the basis of correct date of birth as decided by the Hon'ble Tribunal.

10. Application is filed through advocate.

11. Particulars of Postal Orders :-

Postal order No. : 66 790198
 Date of Issue : 22.11.01.
 Place : Guwahati

12. Details of Documents :-

As per Index.

Verification . . .

VERIFICATION

I, Sri Sushil Kumar Sarmah, Son of Late M. G. Sarmah, aged about 58 yrs. working as Superintendent, Record Branch, Director General, Assam Rifles, Shillong - 11 do hereby verify that the contents of paras, 1, 4, 6, 7, 8, 9, 10, 11 and 12 are true to my personal knowledge and paras 2, 3 and 5 are believed to be true on legal advice and that I have not suppressed any material facts.

Place : Guwahati

Date : 25. 11. 2001.



Singnature of the Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 174 of 1998.

Date of decision : This the 11th day of January, 2000.

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman

Hon'ble Mr. G.L.Sangliyine, Administrative Member.

Shri, Sushil Kumar Sarmah,
Son of Late M.G. Sarmah,
Superintendent, Record Branch,
Director General, Assam Rifles,
Shillong-11.

..Applicant

By Advocate Mr. G.K.Bhattacharyya.

-versus-

1. Union of India,
Represented by the Secretary to
the Government of India,
Ministry of Home Affairs,
New Delhi-110001.

2. Director General, Assam Rifles,
Shillong-793011.

3. Deputy Commandant
Establishment Officer,
Directorate General,
Assam Rifles,
Shillong-793011

..Respondents

By Advocate Mr. B.C.Pathak, Addl. C.G.S.C.

ORDER (ORAL)

BARUAH J. (V.C.).

This application has been filed for correction of date of birth of the applicant. He passed his matriculation examination in the year 1961. As per the matriculation certificate his age was shown 18 years 1 month on the first of March, 1961. Calculating the said date his date of birth ought to have been 1.2.1943. However by mistake it was shown 1.2.1942. During the month of July, 1991 when the

Contd..

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authority demanded the original matriculation certificate for verification and on production the authority calculated his date of birth 1.2.1943, meaning thereby he would attain the age of 58 years on 1.2.2001. At that time the mistake was detected. Immediately thereafter the applicant submitted his application for correction of his date of birth. According to the applicant Annexure-II itself indicates that he would be in service upto 1.2.2001, otherwise Identity Card would not be valid upto 1.2.2001. The application submitted by the applicant was rejected by Annexure-V order dated 19.9.1997 on the ground that the prayer for alteration of date of birth was made at the belated stage. Thereafter the applicant submitted Annexure-VI representation dated 31.12.1997 and the same was also rejected by Annexure VIII order dated 4.12.1998. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement. In the written statement the stand is reiterated by saying that as per rule the application for alteration of date of birth ought to have been filed within a period of five years.

3. We have heard Mr. G.K.Bhattacharyya, learned counsel appearing on behalf of the applicant and Mr. B.C. Pathak, learned Addl. C.G.S.C. Mr. G.K.Bhattacharyya submits that here the main point is it was the case of clerical error. He further submits that it is well established principle of law that the time begins to run from the day of detection of mistake and the rules and procedures are hand maid of justice. These are made for the ends of justice. He further submits that the mistake was detected when the Identity Card was issued showing that he would continue till 1.2.2001, meaning

DKB

Contd...

thereby he would attain the age of 58 years on 1.2.2001, that itself will go to show his date of birth 1.2.1943 had been accepted by the department.

4. On hearing the counsel for the parties we find no reason to reject the prayer of the applicant. Annexure-IV shows that the applicant came to know about the mistake from the gradation list. It is not known when the said gradation list was published. Be that, at it may, the fact is that the matriculation certificate has not been disputed by the respondents. In paragraph 6 of the written statement the respondents have stated as under:

".... It is mentioned here that the Service Book of an employee is the only vital and authentic document for all purposes till he retires from service and Identity card helps an employee both official and private life even in complex circumstances."

5. We feel that justice should not be defeated on technical ground as the matriculation certificate is not disputed. Annexure-II also shows that the authority accepted the date of birth as 1.2.1943 otherwise the Identity card would not have been made valid upto 1.2.2001. It ought to have been 1.2.2000 only.

6. Considering the entire facts and circumstances of the case we accept the date of birth of the applicant as shown in the matriculation certificate and in all probability in such type cases matriculation certificate should be taken as authenticated document.

7. In view of the above, we hold the date of birth of the applicant is 1.2.1943 and not 1.2.1942. Accordingly the application is allowed.

Considering the facts and circumstances of the case, we make no order as to costs.

Sd/- VICECHAIRMAN
Sd/ MEMBER (A)



Date of application for the copy	Date fixed for notifying the requisite number stamp and tokens	Date of delivery of the requisite stamp and tokens.	Date on which the copy was ready for delivery	Date of making over the copy to the applicant
4-1-2001	9-1-2001	10-1-2001	10-1-2001	10-1-2001

IN THE GAUHATI HIGH COURT
 (HIGH COURT OF ASSAM:NAGALAND:MEGHALAYA:MANIPUR:TRIPURA:
 MIZORAM AND ARUNACHAL PRADESH)

W.P.C. NO. 7274/2000.

1. Union of India, Through Secretary Ministry of Home Affairs, New Delhi.
2. Director General Assam Rifles, Shillong- 3.
3. Dy commandant, Establishment officer, Directorate General Assam Rifles, Shillong - 793011.

..Petitioners/ Respondents.

: -vs -

Shri Sushil Kumar Sharma, S/O Late M.G. Sharma,
 Superintendent, Record Branch, Directorate General
 Assam, Rifles, Shillong - 793011.

... Respondents.

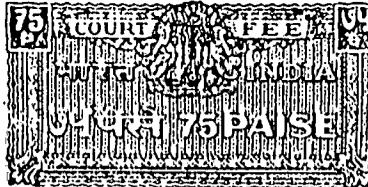
Applicant.

PRESENT:

THE HON'BLE THE CHIEF JUSTICE

THE HON'BLE MR. JUSTICE P.G. AGARWAL.

Contd... 2/-



-2-

For the petitioner :- Mr. P. N. Choudhury

For the respondents:-

Date:- 3.1.2001. ORDER

N.C.JAIN, C.J. :-

This writ petition has been filed against the order of the Central Administrative Tribunal, Guwahati Bench Dated 11.1.2000, by which the date of birth of the respondent / employee has been corrected and now, according to the corrected date of birth, he would retire on 1st of February, 2001.

While making the necessary correction, the Tribunal has primarily relied upon the entries about the date of birth as was recorded in the Matriculation certificate. No interference with finding of fact based upon Matriculation certificate is called for.

Dismissed in limine.

Sd/- P.G. AGARWAL.

JUDGE.

Sd/- N.C.JAIN,

CHIEF JUSTICE.

TYPED BY.....
READ BY.....
COMPARED BY.....

Certified to be true Copy	10-1-2001
By R. Ch.	
Registrar of Civil Registry	
GUWAHATI HIGH COURT	
Authored U/s 70 A of RTI	

Guwahati
10-1-2001

Tele : 705042

Bharat Sarkar
Govt. of India
Grih Mantralaya
Ministry of Home Affairs
Mahanieshalaya Assam
Rifles
Directorate General
Assam Rifles
Shillong - 793011.

1. 11023/1/98-EST/299

12 July 2001

The Accounts Officer
Pay and Accounts Office
Assam Rifles
Shillong - 793003

NAMES OF THE GOVT. SERVANTS DUE FOR
RETIREMENT WITHIN NEXT 24 - 30 MONTHS
(01 JUL 2001 TO 31 DEC 2003).

Sir

I am directed to furnish the name of the Govt servants, who are due to retire within next 24 - 30 months are as under :-

<u>Sl. No.</u>	<u>Names</u>	<u>Rank</u>	<u>Date of retirement</u>
01.	Shri R.N. Barman	Asst.	01 Aug 2001 (FN)
02.	Shri Daya Prasad	Ao	01 Aug 2001 (FN)
03.	Shri R.N. Pathak	Supdt	01 Aug 2001 (FN)
04.	Shri N.P. Dutta	Supdt	01 Sep 2001 (FN)
05.	Shri P. Buragohain	UDC	01 Sep 2001 (FN)
06.	Shri Chandan Ghosh	RO	01 Sep 2001 (FN)
07.	Shri Tarun Tapan Bhattacharjee	Supdt	01 Oct 2001 (FN)
08.	Shri N.C. Goswami	Asst	01 Oct 2001 (FN)
09.	Shri Shanti Devi	RO	01 NOV 2001 (FN)
10.	Shri Pramadhar Nath	RO	01 NOV 2001 (FN)
11.	Shri Sukumal Roy	Asst	01 DEC 2001 (FN)
12.	Shri B.L. Kundala	UDC	01 Dec 2001 (FN)
13.	Shri Sudip Kumar Kar	SAO	01 Jan 2001 (FN)
14.	Shri Kalyan Ranjan Bhattacharjee	Supdt	01 Jan 2001 (FN)

Attested
J. Das
Advocate
27.11.01

(2)

<u>Sl. NO.</u>	<u>Name</u>	<u>Rank</u>	<u>Date of Retirement</u>
15.	Shri Sushil Kumar Sarma	Supdt	01 Feb 2002 (FN)
16.	Shri Sushil Kr. Chakraborty	Asst	01 Feb 2002 (FN)
17.	Shri Subhas Ch. Roy	Supdt	01 Mar 2002 (FN)
18.	Shri Anirudha Sarma	Supdt	01 Mar 2002 (FN)
19.	Shri Kabindra Kr. Chakraborty	Asst	01 Mar 2002 (FN)
20.	Shri L.K. Sarma,	Asst	01 Mar 2002 (FN)
21.	Shri Nirendra Kr. Nag	Asst	01 Mar 2002 (FN)
22.	Shri A.B. Kar	Asst	01 Mar 2002 (FN)
23.	Shri Jathindra Nath Gogoi	UDC	01 Mar 2002 (FN)
24.	Shri S. K. Dey	Supdt	01 Apr 2002 (FN)
25.	Shri Rabindra Kumar Chanda	Supdt	01 Apr 2002 (FN)
26.	Shri B. S. Goswami	Supdt	01 Apr 2002 (FN)
27.	Shri Haladhar Sharma	Asst	01 Apr 2002 (FN)
28.	Shri Arun Chandra Dutta	Asst	01 Apr 2002 (FN)
29.	Shri Prenananda Borah	UDC	01 Apr 2002 (FN)
30.	Shri Surendra Nath Sharma	UDC	01 Apr 2002 (FN)
31.	Shri P.K. Chakraborty	PS to DGAR	01 May 2002 (FN)
32.	Shri Jhanandra Kr. Dey	Supdt	01 May 2002 (FN)
33.	Shri T. Giri	Supdt	01 May 2002 (FN)
34.	Shri Anil Chandra Deb	UDC	01 May 2002 (FN)
35.	Shri Suranjan Bhowmick	UDC	01 May 2002 (FN)
36.	Shri Paresh Chandra Dey	Supdt	01 Jul 2002 (FN)
37.	Smti Kalyani NR	Asst	01 Jul 2002 (FN)
38.	Shri B.G. Basak	Asst	01 Jul 2002 (FN)
39.	Shri Samiran Das	Supdt	01 Aug 2002 (FN)
40.	Shri B.C. Dasgupta	Supdt	01 Aug 2002 (FN)
41.	Smti Supriti Dasgupta	Asst	01 Aug 2002 (FN)
42.	Shri Adhindra Ch. Deb	UDC	01 Sep 2002 (FN)
43.	Shri Kalidas Chakraborty	Supdt	01 Sep 2002 (FN)
44.	Shri K. S. Singh	UDC	01 Oct 2002 (FN)
45.	Shri Davala Lushal	Duftry	01 Oct 2002 (FN)

Attested
J. K. Acharya
27.11.07

Contd . .3/-

<u>Sl. No.</u>	<u>Name</u>	<u>Rank</u>	<u>Date of Retirement</u>
46.	Shri Devanand Baruah	Asst	01 Nov 2002 (FN)
47.	Shri Surya Nath Shukia	Aast	01 Nov 2002 (FN)
48.	Shri A.K. Dutta Choudhury	Asst	01 Dec 2002 (FN)
49.	Shri T.O. Padmanabhan	UDC	01 Jan 2003 (FN)
50.	Shri Sunil Dey	AO	01 Jan 2003 (FN)
51.	Shri Suraj Kumar Roy	Supdt	01 Jan 2003 (FN)
52.	Shri D.B. Dey	AAo	01 Feb 2003 (FN)
53.	Shri Suk Deb Haim	Ro	01 Feb 2003 (FN)
54.	Shri T. K. Deb.	Asst	01 Feb 2003 (FN)
55.	Smti Parul Dey	Supdt.	01 Feb 2003 (FN)
56.	Shri Mani Lal Deb	Supdt	01 Feb 2003 (FN)
57.	Shri C. R. Lushai	Duftry	01 Feb 2003 (FN)
58.	Shri Bibhuti Borkotoki	Asst	01 Mar 2003 (FN)
59.	Shri Narayan Sarkar	Asst	01 Mar 2003 (FN)
60.	Shri P. Dowarah	Supdt	01 Mar 2003 (FN)
61.	Shri Sanatan Kalita	AAO	01 Mar 2003 (FN)
62.	Shri Sukumar Chanda	RO	01 Mar 2003 (FN)
63.	Shri Nilanjan Dutta Roy	RO	01 Feb 2002 (FN)
64.	Smti Bhakti Devi	AO	01 Mar 2003 (FN)
65.	Shri C.N. Pathak	UDC	01 Apr 2003 (FN)
66.	Shri S.K. Choudhury	Supdt	01 Apr 2003 (FN)
67.	Shri T.D. Diengdeh	Supdt	01 Apr 2003 (FN)
68.	Shri Pinaki Ranjan Purkayastha	AO	01 Apr 2003 (FN)
69.	Smti Asha Purkayastha	AO	01 Apr 2003 (FN)
70.	Shri Sailendra Ch. Deb	UDC	01 May 2003 (FN)
71.	Shri Rathindra Chakraborty	Supdt	01 Jun 2003 (FN)
72.	Shri P.C. Saikia	AO	01 Jul 2003 (FN)

(4)

23

<u>SL.No.</u>	<u>Name</u>	<u>Rank</u>	<u>Date of Retirement</u>
73.	Smti Swooty Jala	AAO	01 Aug 2003 (FN)
74.	Shri B. B. Chatri	Asst	01 Sep 2003 (FN)
75.	Smti Sukriti Dhar	Asst	01 Oct 2003 (FN)
76.	Shri A.K. Chakraborty	Asst	01 Oct 2003 (FN)
77.	Shri P.K. Choudhury	UDC	01 Oct 2003 (FN)
78.	Shri N.C. Sen Choudhury	UDC	01 Nov 2003 (FN)
79.	Shri Kaushik Ranjan Dey	UDC	01 Nov 2003 (FN)

Sanjeev
Yours faithfully,

(M S Yadav)
Dy Comdt
Establishment officer

Copy to :-

1. Estate Officer, GPA
CPWD Colony, Dhankhati, Shillong - 3
2. Records (), DGAR, Shillong - 11
3. Est Branch (Bill Section),
DGAR, Shillong - 11
4. Finance Branch
DGAR, Shillong - 11
5. Office Copy.

Attested
J. Das
Advocate
27.11.07

No. I.1998/DB-PERS/2/2001/24

18 Jul 2001

From : Shri S K Sharma
Superintendent
HQ BGAR (Record Branch)
Shillong - 11.

To : The Director (Adm)
Directorate General Assam Rifles
Shillong - 11.

(Through Proper Channel)

SUB :- CORRECTION OF DATE OF BIRTH

Respected Sir,

I would like to apprise your honour that my date of birth in the Service Book as per my Matriculation Certificate was wrongly entered and for which, when I did not receive any redress from office inspite of several requests through representations, I had no other way left, but to take shelter in the Honourable CENTRAL ADMINISTRATIVE TRIBUNAL, Guwahati bench. The Honourable CAT has passed a judgement order to enter my correct date of birth in the Service Book as per my Matriculation Certificate.

The concerned branch who deals the matter has not taken any action to this effect since Jan 2000 as per the judgement of CAT, Guwahati Bench.

In view of the above, I would like to discuss and desire to show my all relevant documents to your honour in person for favour of your perusal and order.

Therefore, your honour is earnestly requested to allow me to discuss the matter in person at your convenient date and time. For which act of your kindness, I shall remain grateful to your honour Sir.

Thanking you Sir,

Yours faithfully,


(Shri S K Sharma)
Superintendent
Record Branch

21 Jul 2001

No. I.1998/DB-PERS/2/2001/

From : Shri S K Sharma
Superintendent
Directorate General Assam Rifles
(Record Branch)
Shillong - 11.

To : The Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi.

(Through Lt Gen G K Duggal, AVSM, VGC,
Director General Assam Rifles,
Shillong - 11.)

SUB :- CORRECTION OF DATE OF BIRTH AND CONSEQUENT CORRECTION
ON THE DATE OF SUPERANNUATION.

Ref :- List of employees due for retirement between July 2001
and December 2003 circulated vide HQ DGAR's letter
No.I.11023/1/98-Est/299 dated 12 July 2001.

sir,

I have the honour to submit most respectfully the
following for your very kind and sympathetic consideration.

1. Under the HQ DGAR's letter dated 12th July 2001,
quoted above, a copy of which is enclosed, my date of retirement
has been shown at serial No.15 to be 1st February 2002(FW).
In this connection, I would like to mention the following :-

(a) My date of birth was erroneously recorded to be
1st February 1942, in the Service Book. But according
to the Matriculation Certificate, my date of birth
is 1st February 1943.

(b) Having failed to persuade the authorities of
HQ DGAR to correct my date of birth in the Service
Record as per Matriculation Certificate. I was
compelled to move the Hon'ble Central Administrative
Tribunal, Guwahati Bench, through an application,
being numbered 174 of 1998, for correction of my date
of birth as per Matriculation Certificate, which is
1st February 1943.

(c) At the time when the Application was filed
before the Hon'ble Central Administrative Tribunal,
Guwahati Bench, the age of Superannuation was 58 years,
but this was subsequently raised to 60 years,
following the recommendation of the Fifth Central Pay
Commission.

(d) The said Hon'ble Central Administrative Tribunal
Bench at Guwahati disposed of the application
observing, inter alia, in Para 5 of the order (Oral)
dated 11-1-2000 that --- "justice should not be
defeated on technical ground as the matriculation

certificate is not disputed." - - - "the authority accepted the date of birth as 01-2-1943, otherwise the identity card would not have been made valid upto 01-2-2001 - - - ". Again in Para 7 of the said Order (Oxal) dated 11-1-2000, the said Hon'ble CAT observed - - - "We hold the date of birth of the Applicant is 01-2-1943, and not 01-2-1942 - - - ."

(e) Having waited for a long time, I submitted a representation on 8th November 2000 to the august authority of the DGAR enclosing a copy of the Order (Oxal) dated 11-1-2000 of the Hon'ble CAT, Guwahati Bench, praying for correction of the date of my birth as per the order of the Hon'ble CAT on the basis of the age recorded in the Matriculation Certificate.

(f) That the HQ DGAR, instead of correcting the date of my birth as per the order dated 11-1-2000 of the Hon'ble CAT, preferred a Writ Petition, being numbered as W.P.(C) 7274/2000, before the Hon'ble Guwahati High Court, Principal Bench, Guwahati. A division Bench of the said High Court by an order dated 3-1-2001 dismissed the petition "in limine" observing, *inter alia*, "No interference with finding of fact based upon Matriculation Certificate - - - ". A copy of the Hon'ble High Court order is enclosed. However, in the 1st Paragraph of the order, the Hon'ble High Court has observed that "according to the corrected date of birth, he would retire on 1st February 2001." This is obviously based on the calculation of 58 years age of Superannuation which was subsequently enhanced to 60 years.

2. This order of the Hon'ble Guwahati High Court confirms my date of birth to be 01-2-1943 according to the Matriculation Certificate as held by the Hon'ble CAT, but the date of retirement is still being shown to be 1st February 2002, that is calculating the age of retirement to be 60 taking the date of birth to be 01-2-1942, the date of birth is to be 01-2-1943, and the date of superannuation is 01-2-2003.

In the premises of the above, I pray to your honour kindly to implement the order of the Hon'ble CAT, confirmed by the Hon'ble Guwahati High Court, and correct the date of retirement as 01-2-2003 on attaining the age of Super-annuation which is now 60, taking my date of birth as on 01-2-1943, and not 01-2-1942.

Thanking you sir.

Yours faithfully.


(shri Sushil Kumar Sharma)

Dated : Shillong the
24 July 2001

Enclos : 1. Copies of Order of Hon'ble CAT
and High Court, Guwahati.

2. HQ DGAR's letter dt 12 July 2001.

REGISTERED/AD

Copy Forwarded in advance to :-

The Secretary to the
Government of India,
Ministry of Home Affairs,
New Delhi

- Together with copies of
enclosures for kind information
and necessary action.

S. Kumar Sharma
(Shri Sushil Kumar Sharma)

I.11011/13/79-EST/VOL-II/184

29 Aug 2001

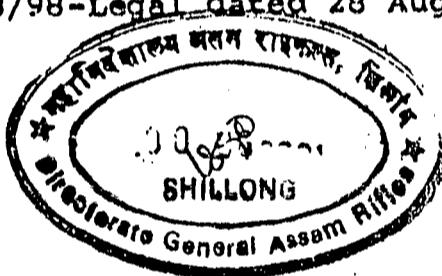
ESTABLISHMENT BRANCH (SB)

REV PETITION ON WP(C) NO. 7274/2000 UOI
VS SUSHIL KUMAR SHARMA

1. It is requested to direct Shri Sushil Kumar Sharma, Supdt of your Branch to submit a birth certificate other than his matriculation certificate in connection with subject pending court case.


(M S Yadav)
Dy Comdt
Establishment Officer

Legal Branch - for info with ref to their ION No.
I.11018/58/98-Legal dated 28 Aug 2001.



To

The Establishment Officer
 Directorate General Assam Rifles
 Assam Rifles
 Shillong - 793011.

(Through Proper Channel)

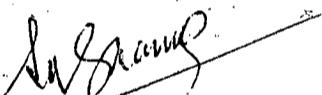
Sub :- REV PETITION ON WP(C) NO. 7274/2000 UOI
VS SUSHIL KUMAR SHARMA

Sir,

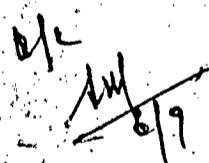
1. In response to your ION No. I.11011/13/79-EST/VOL-II/184 dated 29 Aug 2001 addressed to Record (Co-Ord). I have the honour to state that I have got no any other birth Certificate with me other than Matriculation Certificate, the photo copy of which had already been submitted to your branch.
2. It is further stated that there was no such provision at that time for reporting a date of birth to Primary Health Service and same get it registered in the Gram Panchayat or Municipality etc offices while I was born at my native home located a rural area i.e on 1st Feb 1943.

Thanking you Sir.

Yours faithfully,


 (Shri S.K. Sharma)
 Supdt

Dated : 06 Sep 2001.


 M.C.
 6/9

Tele : 705042

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong - 793011

I.11011/13/79-EST/VOL-II/192

9 Oct 2001

Shri Sushil Kumar Sharma, Supdt
Records (Doc-I).
HQ DGAR, Shillong - 11

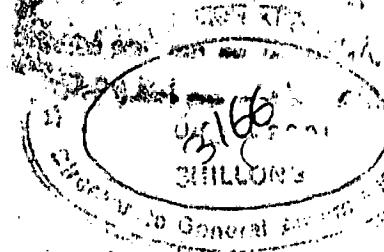
REV PETITION ON WP(C) NO. 7274/2000
UOI VS SUSHIL KUMAR SHARMA

1. A copy of Legal Branch ION No. I.11018/58/98-
Legal dated 24 Aug 2001 is enclosed herewith for your
information please.

(M S Yadav)
Dy Cmdt
Establishment Officer

Copy to :-

Legal Branch
DGAR, Shillong - 11



No. I.11018/58/98-Legal/

24 Aug '2001

LEGAL BRANCH

REV PETITION ON WP(C) NO.7274/2000
UDI VS SUSHIL KR SHARMA

P.178

1. Ref your ION No.I.11011/13/79-EST/Vol-II/177 dated 24 Jul 2001.
2. Review petition has been filed before the Hon'ble Gauhati High Court (Principal bench) against the court order dated 03 Jan 2001 on Writ Petition (C) No.7274/2000. Addl. CGSC of Gauhati High Court has informed that the said review petition is likely to come up for hearing in third week of Aug 2001. Hence, any action will be taken only after knowing the outcome of hearing of review petition.
3. Outcome will be intimated to you as and when information is received from the court.



(Sandeep Kumar)
Major
JAD (Legal)
for DOAR

EST BRANCH (SB)

29856

From : Shri S K Sharma
Superintendent
Record Branch
HQ DG Assam Rifles
Shillong - 11.

To : The Public Grievance Officer
Directorate General Assam Rifles
Shillong - 793011.

Sub : CORRECTION OF DATE OF BIRTH AND CONSEQUENT ON DATE OF SUPERANNUATION.

Sir,

1. I would like to apprise most respectfully your honour that my date of birth in the Service Book as per my Matriculation Certificate was wrongly entered at the time of my appointment in this Dte and when I did not receive any redress from my office inspite of several request to correct the same through number of representations, I had no other way left, but to take shelter in the Honourable Central Administrative Tribunal, Guwahati bench. The Honourable CAT has passed an Judgement order admitting my date of birth as 1st Feb 1943 and not 1st Feb 1942 as per my Matriculation Certificate.

2. That sir, the concerned branch of this Dte, who deals the Service Books has not taken any action to this effect since Jan 2001 as per judgement of above CAT, Guwahati bench.

3. That sir, as per legal opinion an writ petition was filed against the judgement and order of CAT, Guwahati bench by Legal Branch of this Dte on 11 Jan 2000, before the Honourable High Court, Guwahati which has been dismissed on limine observing inter alia "No interference with finding of fact based upon the Matriculation Cert. - - - - -".

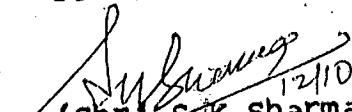
4. That Sir, I have come to know that Legal Branch has again filed against the Judgement of Honourable High Court principal Bench, Guwahati to further review the case. But court notice of which has not been received by me to this effect.

5. That sir, since no decession is settled as yet, now I have attained in the verge. of retirement i.e 1st Feb 2002 according to the un-amended entry of date of birth in service book for which I have been mentally suffering extreemly as the case is still pending with Legal Branch of this Dte. sir, if I have to go for retirement I must be prepared in advance, for my future settlement.

6. In view of above, I would request your kind honour to direct the concerned branch for implementation of the order of Honourable CAT which is confirmed by Honourable High Court, Guwahati admitting the date of retirement as 01 Feb 2003 on attaining the age of Superannuation which now 60, taking my date of birth as on 01 Feb 1943 and not 01 Feb 1942 and thus I do oblige Sir.

Thanking you.

Yours faithfully,


12/10
(Shri S K Sharma.)
Superintendent
Record Branch (Doc - I)

Dated : 12 Oct 2001

From : Shri S K Sharma
Superintendent
Record Branch
Shillong - 11.

To : The Director General Assam Rifles
Shillong - 11.

(Through Proper Channel)

Sub :- PENSION PAPERS FORWARDING OF

Sir,

1. In inviting a reference of Record Branch (Co-Ord) ION No.36031/7/01/Rec(Co-Ord)/153 dated 19 Oct 2001 (photo copy enclosed) under which 4 (four) sets of blank Pension Papers have been handed over to me for onward submission to the EST Branch of this Directorate.

2. In this connection, kindly refer to the Honourable Central Administrative Tribunal, Guwahati bench application No.174 of 1998 (Photo Copy enclosed) under which the Honourable Court after having examined all relevant documents has allowed that my date of birth is 01-2-1943 and not 01-2-1942. Furthermore the Hon'ble High Court Guwahati vide WPC No.7274/2000 had dismissed the case limine observing inter alia "No interference with finding of fact based upon the Matriculation Certificate - - - ". (Photo copy enclosed).

3. Also kindly refer to the Legal Branch of this Directorate ION No.I.11018/58/98-Legal dated 24 Aug 2001 received by me under EST Branch ION No.I.11011/13/79-Est/Vol-II/193 dated 09 Oct 2001 (Photo copy enclosed) under which it transpires that this Directorate has filed Review Petition case to the Honourable Guwahati High Court (Principal Bench) against the WPC Case No. 7274/2000 and it was intimated that, outcome of the case would be intimated to me as and when information is received from the Honourable Court.

4. Sir, It appears from the Legal Branch letter quoted above that till now no decision has been received on the Review petition filed by this Directorate from Honourable Guwahati High Court and thereby for submission of pension Paper as envisaged in the Record Branch ION dated 19 Oct 2001 may not be appropriate at this stage unless the final decision on Review petition is received by this Directorate from the Honourable Guwahati High Court.

5. In view of the position stated above, the Pension Papers (blank 4 Sets) are therefore returned herewith with a view that the matter is at present "Sub- Judice" with the Hon'ble Guwahati High Court.

Thanking you Sir.

Yours faithfully,

Shri S K Sharma
Shri S K Sharma
Supdt
Record Branch
DOC-I

Dated : 13 Nov 2001

Encl : 04 (four) Sets of Pension
Papers.