

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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✓  
O.A/T.A No. 73/01

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SECTION OFFICER (Judl.)

Chaita  
5/12/17

FORM NO.4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWHATI BENCH ::::: GUWAHATI

Original ORDER SHEET  
APPLICATION NO 73 OF 2001

Applicant (s) Gauranga Kr. Dey

Respondent(s) U.O.I for

Advocate for Applicant(s) Mr. J.L. Sarker, S. DeKa, A. Chakraborty

Advocate for Respondent(s) CGSE

Notes of the Registry

Date

Order of the Tribunal

This application is in form  
but not in the form of  
Petition. It is a writ  
M. P. I. No. 15-005722  
for Rs. 1000/-

IPQ/B-15-005722  
Dated 29.12.2001

28.2.2001

None appears. Passed over  
to 7.3.2001.

Vice-Chairman

nkm

7.3.01

Heard learned counsel for the  
parties.

Application is admitted. Call  
for records. Issue notice on the  
respondents, as to why the  
impugned order dated 26.12.2000  
shall not be suspended during the  
pendency of this proceedings.  
Returnable by 4 weeks. List on  
4.4.01 for orders.

Vice-Chairman

lm

4.4.2001

Four weeks time allowed to the  
respondents to file written state-  
ment. List for orders on 2.5.01.

Vice-Chairman

4 sets of documents  
along with envelopes  
received.

Photo  
14/2

13.3.2001

Service of Notice  
issued to the

respondents vide 2.9.01  
No. 974 dt. 15.3.01

NS  
8/3/01

Don

① Service report are still  
awaited.

② No. written statement  
has been filed

3.4.01 nkm

2.5. pass over to 18.5.2001

Mo  
A.R. 2  
23

18.5.01 Three weeks time is allowed to file written statement.

List for hearing on 20.6.01.

*IC Shaha*  
Member

pg

20.6.01

① Notice duly served on R. No. 1, 2 and 3.

② No. written statement has been filed.

*24*  
*19.6.01*

Mr. A. Deb Roy, Sr. C.G.S.C. appearing for the respondents mentions that the case has been wrongly listed for hearing to-day for filing of written statement. Note sheet shows that the written statement has not been filed. Mr. J. L. Sarkar learned counsel for the respondents submits that by the impugned order dated 26th Dec. 2000 the applicants' date of birth has been changed from 31.12.45 to 30.10.1941. He has requested for early hearing of the matter so that as the applicant is will retire/prematurely on 30.10.01. Let this case be listed for hearing on 8.8.01 for final disposal.

*IC Shaha*  
Member

lm

8.8.01

Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

*Vice-Chairman*

17.9.2001

Copy of the Judgment has been sent to the D/Sec. for issuing the same to the Applicant as well as to the Sr. C.G.S.C. for the Resp. D.

trd

4

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. No. . . . . 73 of 2001 . . . . . of

DATE OF DECISION 8.8.2001 .....

Sri Gauranga Kumar Dey.

APPLICANT(S)

Mr. J.L.Sarkar.

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A.Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENTS.

THE HON'BLE

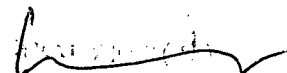
MR. JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN.

THE HON'BLE

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 ?

5.

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.73 of 2001.

Date of decision : This the 8th day of August, 2001.

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

Sri Gauranga Kumar Dey,  
Working as Head Assistant under the Director, Botanical  
Survey of India,  
Eastern Circle, Shillong-3.

...Applicant

By Advocate Mr. J.L.Sarkar.

1. Union of India, represented by the  
Secretary, Ministry of environment  
and Forest, Government of India,  
New Delhi.
2. The Director  
Botanical Survey of India  
P-B, Brabourne Road,  
Calcutta-1.
3. Scientist-D(DD),  
Head of Office,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.
4. The Deputy Director,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

The legality and correctness of the retirement notice dated 26.12.2000 served on the applicant stating his schedule date of superannuation is 30.10.2001 holding the date of birth of the applicant as 30.10.1941 in place of 31.12.1945 is the subject matter of this application. The applicant joined the Botanical Survey of India at Eastern Circle, Shillong on 19.3.1964. The date of birth of the applicant was recorded in the service as 31.12.1945. The applicant subsequently promoted to the post of Lower Division Clerk on

2.5.1974..Thereafter promoted to the post of Upper Division Clerk and presently is holding the post of Head Assistant.. While we was serving as such he was served a retirement notice dated 26.12.2000 which reads as follows :

"In the SERVICE BOOK, the recorded date of your birth as 31.12.45, signed bythe former Head of Office (Late Dr. A.S.RAO), while vide Director, BSI Letter No. BSI-62/18/95-Estt. dt. 06.10.95, made available to the undersigned on20.10.2000, contained therein a Remark : "The date of birth of Shri G.K. Dey, Peon, Eastern Circle (now U.D. Clerk, Eastern Circle) was recorded at Hd. Qrs. as 30.10.41". The same was personally made known bythe undersigned to your on 28.11.2000.

Further, on receipt of another relevant Letter No. BSI-62/10/99-Estt. dated 20.12.2000 on 21.12.2000.

The non-tailed for your different dates of birth, between your SERVICE BOOK and Hd. Qrs. Records, that Alteration/nonalteration, being beyond the knowledge of the undersigned, but in compliance to Director, BSI instruction, I have to serve this 'RETIREMENT NOTICE' to you, that the scheduled date of your SUPERANNUATION is on 31.10.2001 (31st day of October, Two Thousand and One)."

The aforementioned communication was sent on the basis of communication received from the Director BSI NO. BSI-62/18/95-Estt. dated 6.10.1995 and the letter No. BSI-62/18/99-Estt. dated 20.12.2000. As per the communication dated 6.10.1995 the Eastern Circle, BSI,Shillong was informed that the date of birth of the applicant was recorded in Headquarter as on 30.10.1941 and therefore advised the Eastern Cirlce to correct the service record of the applicant. The legitimacy of the aforesaid communication dated 26.12.2000 is thus assailed as arbitrary and discriminatory.

2. There is no dispute that in the Service BOk the date of birth of the aplicant was recorded as 31.12.1945 on 19.3.1964. The Service Book has not been altered. The respondents however contended that the date of birth of the applicant as per the Headquarter records is 30.10.1941 and not 31.12.1945 and therefore Service records is to be treated as per the Headquarter record. The stand of the respondents

is also reflected in its written statement. The relevant portion of the written statement are reproduced below :


"That with regard to para 4.3, the respondents beg to state that the date 30.10.1941 is on the basis on Hqrs. Records (seniority list etc.). Service records once recorded in the relevant registers cannot be changed/alterd without prior permission/approval of the competent authority. In the instant case, application not submitted within stipulated time thus it cannot be entertained.

That with regard to para 4.5, the respondents beg to state that the applicant's date of appointment is 19.03.1964, Circulation of seniority list by the Respondent No.2 from time to time to all offices concerned is a routine matter Applicant's date of birth was recorded as 30.10.1941 in the post of peon and the same was circulated by Respondent NO.2 vide page 3, Sl. NO.2 of Peon/Bearer, Eastern Circle as on 01.07.1967 onwards. Applicant never objected to his date of birth as recorded on 30.10.1941 until the year 2000. All service records show that his date of birth is 30.10.1941. Seniority list as on 01.01.1976, 01.01.1981 in the post of LDC have been circulated and on every occasion it has been recorded in Hqrs. Records that his date of birth is 30.10.1941. Seniority List dated 1.7.67, 1.1.76, 1.4.76 and 1.1.81 are annexed herewith and marked as Annexure-R1 series."

3. From the materials, as alluded it appears that the basis of the impugned notice dated 26.12.2000 for giving retirement notice from the Headquarter is the seniority list. It is a fundamental aspect of the service jurisprudence that the age of an employee is reflected in the Service Book. The respondents could not produce any material that the date of birth of the applicant was not 31.12.1945 but 30.10.1941 who were at liberty to correct the same by giving reasonably opportunity to the applicant on the basis of material on record. The seniority list per se cannot be a determining factor.

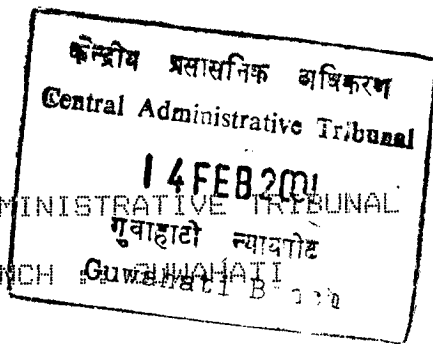
4. In the circumstances the impugned notice dated 26.12.2000 cannot be sustained. The date of birth of a government servant cannot be unilaterally changed without following the recourse of law.

5. For the reasons mentioned above the impugned notice dated 26.12.2000 is set aside. The application is accordingly allowed. There shall however, be no order as to costs.

  
(D.N.CHOWDHURY)  
Vice-Chairman

trd





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : D.A. No.: 73 /2001

Sri Gauranga Kr. Dey : Applicant

----- versus -----

Union of India & ors. : Respondents

I N D E X

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2.	-	Verification	9
3.	A	Copy of Service Sheet	10
4.	B	Copy of Annexure-II of Service Sheet	11
5.	C	Copy of the Memo Dated 26.12.2000	12
6.	D	Copy of the letter dated 6.10.1995	13
7.	E	Copy of the representation dt. 21.09.79	14
8.	F	Copy of Page No.19 of the BSI's Newsletter (Vol.16)	15
9.	G	Copy of the representation dt. 26.12.2000	16

Filed by

Advocate.

Filed by the applicant  
through P. Chakrabarti  
Advocate  
12/2/01

In The Central Administrative Tribunal

Guwahati Bench :: Guwahati.

O.A. No. 73 /2001

BETWEEN

Sri Gauranga Kr. Dey,

Working as Head Assistant under The  
Director, Botanical Survey of India,  
Eastern Circle, Shillong - 3.

\_\_\_\_ Applicant

AND

1. Union of India represented by the  
Secretary, Ministry of Environment  
and Forest, Government of India,  
New Delhi.
2. The Director,  
Botanical Survey of India,  
P-8, Brabourne Road, Calcutta-1.
3. Scientist-D (DD),  
Head of Office,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.
4. The Deputy Director,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.

\_\_\_\_ Respondents

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Filed by the applicant  
through P. Chakrabarty  
20/02/01

Details of the Application :

1. Particulars of the order against which the application is made :

The application is made against the Retirement Notice in Memo No. BSI/EC/GKD/2000 - Esst. -1078 dated 26.12.2000 issued by the respondent No.3 and for acting according to correct date of birth recorded in the service book and for restraining the respondents from altering the same.

2. Jurisdiction:

The applicants declare that the subject matter of the application is within the jurisdiction of the hon'ble tribunal.

3. Limitation:

The applicants declare that the application is within the period of limitation under 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 is entitled to the rights and privileges guaranteed by the constitution of India.

4.2 That the applicant joined service as peon in Group 'D' category on 19.3.64. At the time of joining service sheet was prepared wherein his date of birth was entered as 31.12.45. The said service sheet was signed by the applicant and Dr. A.S. Rao, the then Regional Botanist, Botanical Survey of India, Shillong. A certificate in Annexure-II of service book was given by the then competent medical authority on 19.3.64 wherein also the age of the applicant was shown as



13  
the office of the Botanical Survey of India, Shillong. It also contains that the respondent No.2 has decided 30.10.41 as the actual date of birth of the applicant.

It is stated that the applicant was not asked for submitting any representation before taking such whimsical decision by the respondents. As already stated the service book was prepared on 19.3.64 and the formal entries of date of birth was made.

4.5 . That the respondents do not maintain dates of birth of employees with due care and seniority list are published with dates of birth which are not correct and without any reference to the service book. The date of birth shown in seniority list is not the basis of determining the date of superannuation. Respondents also do not determine the date of superannuation on the basis of seniority list. The such date is determined as per the date in the service sheet. It is stated that it is the service sheet which shall control the seniority list. It is further stated that the wrong entry of date of birth of the applicant came to his notice in the seniority list forwarded with the memo No. BSI-69/4/76-Estt. dated 2.9.76. The date of birth was shown as 30.10.41 instead of 31.12.1945 in the said seniority list. The applicant submitted his representation for rectification of date of birth and position of seniority to the respondent No.2 through the respondent No.4 by his representation dated 21.09.76.

Copy of the representation dated 21.09.76 is enclosed as Annexure - E.

*[Handwritten signature]*

4.6 That the respondents did not reply to the applicants representation dated 21.09.76. Later on when several times the seniority list was drawn up and circulated, the seniority list contained the same mistake of date of birth of the applicant. The applicant faithfully waited for the correction of the mistake of office in the seniority list and had given note for correction of date of birth on the seniority list when such list was circulated.

4.7 That as already stated the dates of birth shown in the seniority lists are with mistake and such dates for some other employees were also not correct. The date of birth shown in the seniority list were/are contrary to the date of retirement. One Sri N.B. Gurung, ~~Male~~, was retired on 31.8.1996 but his date of birth was shown in the seniority list as 01.07.43. the date of birth of Sri S.K.Das, Jr. sc. Asstt. and Sri B. Kalita, Jr. Sc. Asstt were shown in the seniority list as 03.03.42 and 01.04.41 respectively but their retirement dates given in the notice are 31.03.2001 and 31.12.2001 respectively. The seniority list contains more mistake as regards the date of birth of other employees also but have never been corrected by the respondents.

It is apparent from the above that the respondents do not consider the seniority list for determining the date of superannuation of the employees and seniority list with wrong dates of births of employees are being maintained by the respondents.

Copy of page No.19 of the Botanical Survey of India's Newsletter (Vol.16) containing the name of employees retired with date of their retirement is

enclosed as Annexure - F.

4.8 That the applicant has submitted a fresh representation dated 26.12.2000 to the respondent No.2 for rectification of his date of birth in the seniority list but no reply has yet been received.

Copy of the representation dated 26.12.2000 is enclosed as Annexure - G.

4.9 That the respondents have acted in a perfunctory manner violating the principles of natural justice and for the reasons best known to them. The act of the respondents has caused mental agony to the applicant and the consequence of the impugned order will cause irreparable loss and injury to the applicant.

4.10 That before altering the recorded date of birth in the service sheet the applicant has not been given any notice or hearing.

5. Grounds for reliefs with legal provisions:

5.1 For that the memo dated 26.12.2000 is passed whimsically and arbitrarily and offends Article 14 of the Constitution of India and as such the impugned order is liable to be set aside and quashed.

5.2 For that the respondents acted violating the principles of natural justice and as such the impugned order is liable to be set aside and quashed.

5.3 For that the respondents have most negligently decided the date of retirement of the applicant keeping

reliance upon incorrect seniority lists and as such the impugned order is liable to be set aside and quashed.

5.4 For that the service book has not been considered in determining the date of superannuation of the applicant and as such the impugned order is liable to be set aside and quashed.

5.5 For that departing from normal procedure and practice of determining the date of superannuation in the instant case is against the principle of justice, equity and fair play and offends Article 14 of the Constitution of India and as such the impugned order is liable to be set aside and quashed.

6. Details of remedies exhausted:

There is no remedy under any rule and this Hon'ble Tribunal is the only forum for redressal of the grievance. However some of the applicants submitted representations but no reply has been given.

7. Matters not previously filed or pending before any other Court:

The applicants declare that they have not filed any other case in any tribunal, Court or any other forum against the impugned order.

8. Reliefs sought for :

Under the facts and circumstances of the case, the applicant prays for the following reliefs :

8.1 The memo dated 26.12.2000 giving the notice of retirement to the applicant be set aside and quashed.



8.2 The respondents be directed to act according to correct date of birth recorded in the service book and for restraining the respondents from altering the same.

8.3 Cost of the case.

8.4 Any other relief/reliefs the Hon'ble tribunal may deem fit and proper.

The above reliefs are prayed for on the grounds stated in para 5 above.

9. Interim relief prayed for :

During the pendency of this application the applicant prays that the memo dated 26.12.2000 giving the notice of retirement to the applicant be suspended.

The above relief is prayed for on the grounds stated in para 5 above.

10. This application has been filed through Advocate.

11. Particulars of Postal Order :

- i) I.P.O. No. : 815 00 5722
- ii) Date of issue : 29/12/2000
- iii) Issued from : Muzgaon Rly. stn. Gps. P.O.
- iv) Payable at : Gunaahati.

12. Particulars of Enclosures :

As stated in the index.

Verification.....

Verification

I, Gauranga Kr. Dey, Son of Late Gopendra Dey, resident of Lower New Colony, Shillong -3, aged about 55 years do hereby verify that the statements made in para 1, 4, 6, 7, 8, 9, 10, 11 are true my personal knowledge and those made in para 2, 3, 5 are true to my legal advice and that I have not suppressed any material facts.

And I, sign this verification on this 10 th day of February, 2001.

Guwahati

  
Signature

Sri G. HURANGA KUMAR

19

Name (in full)

Permanent Home Address (in full)

Jail Road, Shillong.

Father's name (and also husband's name in the case of a woman Government servant) and residence.

(Late) Sri GANAPATHA KH. BEY.

4. Nationality (if not a citizen of India, number and date of the certificate of eligibility granted by the Government of India.)

INDIAN

5. If a member of Scheduled Caste, Scheduled Tribe, particulars of Caste/Tribe.

No

6. Date of birth by Christian Era as nearly as can be ascertained.

31.12.45  
(Thirty 1st Dec. - Nineteen Forty Five)

7. Educational qualifications.

Read up to class 12. Passed H.S.L.C. Exam in 1969 (verified from School certificate)  
3. Appeared Sp. P. U. E in Sept. 1972 (verified from Admit card)

8. Exact height by measurement (without shoes)

5' - 3"

9. Personal mark for identification.

A star in the left hand Admit card

10. Left hand thumb and finger impressions of (non-gazetted) officer if he is not literate enough to sign his name in English, Hindi or other regional language.

Little finger

Ring finger



Thumb

Middle finger

Fore finger

True copy: Attested  
I.M. H. A.  
26/12/2000  
Deputy Director  
Botanical Survey of India  
Eastern Circle, Shillong-2

11. Signature of the Government servant.

G.K. Bey.  
19.3.64.

12. Signature and designation of the head of the Office or other attesting officer.

A. S. Rao

Regional Botanist,  
Botanical Survey of India,  
Eastern Circle, Shillong.

NOTE 1.—The entries on this page should be renewed or re-attested at least every five years, and the signatures in lines 11 and 12 should be dated. Finger prints need not be taken afresh every five years under this rule.

NOTE 2.—For additional entries in respect of Government servants of the Police Departments, please see p. 52

A. T. C-4.

ANNEXURE - II.

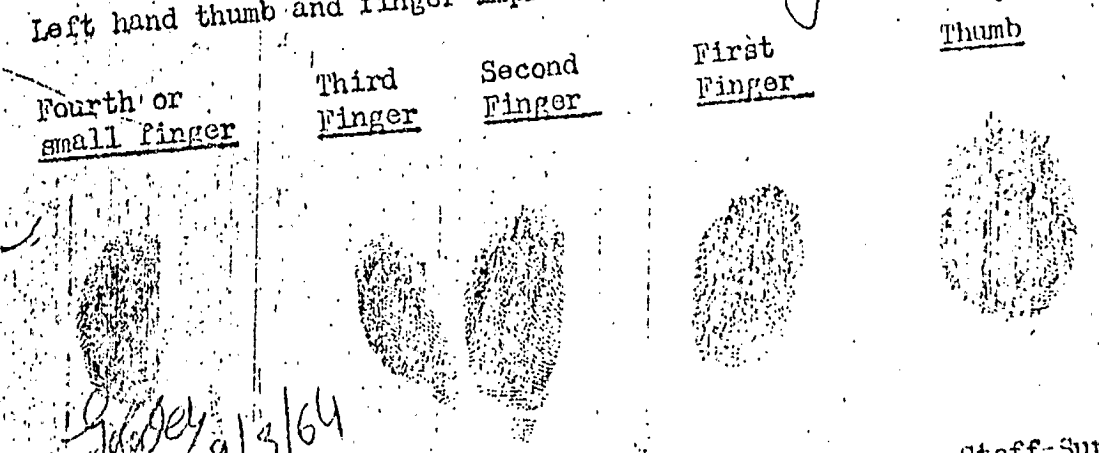
Annexure B

P-5

I do hereby certify that I have examined Shri/Chrimati Jay a candidate for employment in the Botanical Survey of India, and can/

cannot discover that he has any disease (communicable or otherwise), constitutional affection, or bodily infirmity, except and I do/do not consider this a disqualification for employment in the office of Botanical Survey of India.

His age is according to his own statement 18 Years 3 months and by appearance about Eighteen Years  
Left hand thumb and finger impression of Sir J. J. Kumar. Day



Taken before  
Name of officer  
Designation of Officer  
On (date)

19/3/64  
Staff-Surgeon, Fort William,  
Competent Medical Authority.

64  
18  
46

— 12 —

Annexure CC

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**GOVERNMENT OF INDIA**  
**MINISTRY OF ENVIRONMENT & FORESTS**  
**BOTANICAL SURVEY OF INDIA**  
**EASTERN CIRCLE**  
**SHILLONG - 793 003**

No. BSI/EC/GKD/2000-Estt. - 1078

Date 26 Dec. 2000.

To

Shri. G. K. DEY,  
Head Assistant,  
Botanical Survey of India,  
Eastern Circle,  
SHILLONG - 793 003.

Sir,

In the **SERVICE BOOK**, the recorded date of your birth as 31-12-45, signed by the former Head of Office (Late Dr. A.S. RAO), while vide Director, BSI Letter No. BSI-62/18/95-Estt., dt. 06-10-95, made available to the undersigned on 20-10-2000, contained therein a Remark: "The date of birth of Shri G.K. Dey, Peon, Eastern Circle (now U.D. Clerk, Eastern Circle) was recorded at Hd. Qrs. as 30-10-41". The same was personally made known by the undersigned to you on 28-11-2000.

Further, on receipt of another relevant Letter No. BSI-62/10/99-Estt., dt. 20-12-2000, on 21-12-2000.

The non-tallied for your different dates of birth, between your **SERVICE BOOK** and Hd. Qrs. Records, that Alteration/non-Alteration, being beyond the knowledge of the undersigned, but in compliance to Director, BSI instruction, I have to serve this **'RETIREMENT NOTICE'** to you, that the scheduled date of your **SUPERANNUATION** is on 31-10-2001 (31<sup>st</sup> day of October, Two Thousand and One).

Yours faithfully,

T. M. HYN  
26/12/2000  
(Dr. T. M. HYNNIEWTA)  
Scientist-D (DD.)  
Head of Office

Copy to :

Director, Botanical Survey of India, P-8, Brabourne Road, Calcutta - 700 001, for kind information and record.

(Dr. T. M. HYNNIEWTA)  
(Dr. T. M. Hynniewta)  
Scientist-D (DD.)  
Botanical Survey of India,  
Eastern Circle, Shillong

6/10/95 -

Recd @ HQ on

30/X/41 Not

31.XII.45

242-4050

Dr. Hymenata, D.V./EC  
+ immediate me: definitely  
+ immediate me: definitely

BY REGISTERED POST

CONFIDENTIAL

1955-56  
1955-56  
1955-56

23/10/2K

NOTED

P-8, BRACONNE ROAD  
CALCUTTA - 700 001.

BSI-62/18/95-Estt.

BOTANICAL SURVEY OF INDIA  
EASTERN CIRCLE, SHILLONG

NO. 4452

DATE 23/10/2K

6/10/95.

The Scientist 'SE',  
Eastern Circle,  
Botanical Survey of India,  
SHILLONG.Sub: Rectification of date of birth of Sri  
G.K. Day, U.D. Clerk, Eastern Circle, B.S.I.

SIR,

I am directed to refer to your letter No. BSI/EC/ESTT/PW/94/19 dated 12-4-94 on the above subject and to state that the date of birth of Sri G.K. Day, U.D. Clerk, Eastern Circle (now U.D. Clerk, Eastern Circle) was recorded at Hqs. office as 30.10.41. Sri Day was subsequently appointed U.D. Clerk on 2.5.74 after computing of Group 'D' service of more than 10 years, as recorded in this office.

In view of above, it is surprised to observe that the date of birth of Sri Day in the Service Book has been altered by your office as 31-12-45 which is beyond the purview of power delegated to Head of office as per extant rules and simply unethical.

It has been decided that the actual date of birth i.e. 30.10.41 in respect of Sri G.K. Day should be reflected in the appropriate column of the Service Book with "Red Ink" with the signature of the Head of the office indicating the reference number of the O.M. and date. This date (30.10.41) should be reflected in all other records.

A compliance Report from the Head of Office to ensure the above fact should reach this office by 31-10-95 positively.

This issues with the approval of the Director, Botanical Survey of India.

Yours faithfully,

Encl: Service Book  
of Sri G.K. Day,  
U.D.C. E.C.(S. C. HALICK)  
SCIENTIST 'SE'

16.10.95

DISPATCHED  
19.10.95

16/10/95

Attested by  
Deputy Director  
Botanical Survey of India  
Eastern Circle, Shillong-3

14 - *Annexure - E*  
23

To

The Director,  
Botanical Survey of India,  
P.O: Botanic Garden,  
Howrah - 711103.

Through:-

The Deputy Director,  
Botanical Survey of India,  
Eastern Circle,  
Shillong-793003.

Sub:- Date of Birth / Seniority discrepancy.

Sir,

Kindly refer to your Memo: No.BSI-69/4/76-Eatt. dated 2.9.76, I beg to request you kindly to make correction in the Seniority List, my date of birth shown - 30.10.41 should be 31.12.45.

Further it appears in the Seniority List that - Sl.No.115 has been shown senior to me who joined on 8.7.74 while my date of joining is on 2.5.74. The point may also be clarified.

I therefore, request you to take necessary action in the matter and make necessary correction in the Seniority List accordingly.

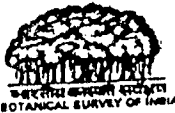
Thanking you sir,

Yours faithfully,

*G. K. Day*  
( G. K. Day. )

Lower Division Clerk,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.

Dated Shillong  
21st. Sept '76.



Vol. 16.

BSP, News Letter  
समाचार पत्र

1996.

NEWSLETTER (Vol. 16)

Annexure - E

42. Dr. S.L. Gupta, Deputy Director joined Arunachal Field Station on transfer from Calcutta w.e.f. 29.9.1996.

43. Shri Brijmohan, Sr. Scientific Asstt. has been transferred to Central Circle, BSI, Allahabad.

44. Smt. B. Singh, Peon retired on March, 1996.

45. Shri B. N. Chakraverty, Assistant Curator, ISIM, retired on superannuation on 29.2.1996.

46. Shri Kendra, Ex-Bearer, ISIM, retired on invalid ground w.e.f. 31.1.1996.

47. Smt. Balika Majhi, Ex-Peon, ISIM, retired on invalid ground on 6.2.1996.

48. Shri O. P. Kandaswamy, Preservation Assistant, retired on invalid pension on 22.7.1996.

49. Shri K. Vivekananthan, Scientist-B and Shri N.C. Rathakrishnan, Scientist-B retired on superannuation on 30.4.1996 and 31.1.1997 respectively.

50. Shri Baijnath, Scientific Assistant retired on superannuation on 31.1.1996.

51. Shri Surendra Singh Barthwal, Scientific Assistant retired on superannuation from service on 30.4.1996.

52. Shri B. D. Naithani, Botanist, retired on superannuation from service on 30.9.1996.

53. Shri Chandra Bahadur, Sr. Scientific Assistant, Eastern Circle, Shillong retired on 30.4.1996.

54. Shri Rama Chetri, Chowkidar, Eastern Circle, Shillong retired on 31.5.1996.

55. Shri N. B. Gurung, Mali, Eastern Circle, retired on 31.8.1996.

56. Shri G. B. Rana, Chowkidar, Eastern Circle, retired on 30.11.96.

57. Shri Ram Lal, Scientist B, has been retired on superannuation on 30th June, 1996.

58. Shri Raja Ram, Assistant Library & Information Officer has been retired on superannuation on 31st Dec., 1996.

59. Shri Jeet Lal, Head Assistant Retired on superannuation on 31st July, 1996.

60. Shri N.K. Bhaduri, Sr. Stenographer transferred to Northern Circle, Dehra Dun from the Central National Herbarium 31.12.1996.

### RESEARCH SCHOLARS

1. Miss Moonmoon Munshi, Senior Research Fellow, joined as Junior Research Fellow on 30.3.1995 at Industrial Section, Indian Museum, Botanical Survey of India, Calcutta. She is working on Scrophulariaceae (in part) for Flora of India.

2. Akramul Haque, Senior Research Fellow joined as Junior Research Fellow on 31.3.1995 at Industrial Section, Indian Museum, Botanical Survey of India, Calcutta. He is working on Dioscoreaceae.

3. Miss Sharmistha Gupta, Senior Research Fellow joined as Junior Research Fellow on 31.3.1995 at Industrial Section, Indian Museum, Botanical Survey of India, Calcutta. She is working on Gentianaceae.

4. Sri Soumen Gantait, Senior Research Fellow joined as Junior Research Fellow on 31.3.1995 at Industrial Section, Indian Museum, Botanical Survey of India, Calcutta. He is working on Scrophulariaceae (in part).

5. Sri Anirban Roy, Senior Research Fellow joined as Junior Research Fellow on 4.4.1995 at Central National Herbarium, Botanical Survey of India, Howrah. He is working on Ecological Investigation on the plant resources of the Chilka Lake Orissa.



To  
The Director,  
Botanical Survey of India,  
P-8, Brabourne Road (3rd. floor),  
CALCUTTA - 700 001 (W.B.)

Dated 1-26th. Dec., 2000.

(Through: Proper channel )

Subject: Rectification of Date of Birth mentioned in the  
Seniority List of Group "C" and circulated by  
Deputy Director, BSI, Shillong-3 vide Director,  
BSI's letter No: BSI-64/4/99-Estt. dated 10/13-8-99.

Sir,

With due respect, I am to inform you that the Seniority List of Group-"C" circulated in several occasions in our Circle, where my date of birth mentioned as 30-10-41 but as per record mentioned in the Service Book, when I have joined this Circle as Peon w.e.f. 19th. March, 1964 is 31-12-1945. But it is surprise to note that it was not corrected at all as 31-12-1945, instead of 30-10-1941. Whenever it was circulated, I have given note that it is was not correct, but suddenly today (i.e. 26-12-2000) a Retirement Notice was served to me vide Deputy Director's letter No: BSI/EC/GRD/2000-Estt.-1078 dated 26 Dec., 2000, that my superannuation is on 31-10-2001 (31st. day of October, 2001).

In this connection, I would request you kindly to look into the matter and make a correct entry of my date of birth as 31-12-1945.

Thanking you sir,

Yours faithfully,

Encls: (i) Xerox copy of Retirement notice.  
(ii) Letter No. (as above)  
(iii) Copy of Seniority List - Page No: 32.

*Self*  
( G. K. Dey. )  
Head Asstt.,  
Botanical Survey of India,  
Eastern Circle, Shillong-3.

Copy to:

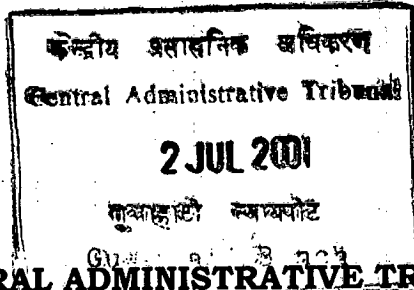
1. Secretary General, BSIRA, 1-Sudder Street, ISIM, Calcutta- 700 016 for information & necessary action.
2. Secretary Legal Affairs, BSIRA, 1-Sudder Street, ISIM, Calcutta- 700 016 for his kind information & necessary action.

*G. K. Dey*  
( G. K. Dey. ) 26/12/2000

No: BSI/EC/PF/GRD/2000/1149  
dt. 27/12/2000

*Forwarded*

*T. M. Hita*  
26/12/2000  
Deputy Director  
Botanical Survey of India,  
Eastern Circle, Shillong-3



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: : GUWAHATI

O.A.NO. 73 OF 2001

Shri. G.K.Dey

-Vs -

Union of Indian & Ors. \*

- And -

In the matter of :

Written Statement submitted by the respondents

The respondents beg to submit the written statement as follows :

1. That with regard to para 4.1, the respondents beg to state that it is fact.
2. That with regard to press 4.2, the respondents beg to state that the applicant appointed in Group 'D' posts on 19.3.1964. As per records of seniority list, Hqrs., the date of birth of Sri Dey is 30.10.1941 and this date of birth was recorded during his first appointment to Group 'D' post on 19.3.1964. Annexure II is not the part of Service Book & Service Record. The date of birth written in the Medical certificate is his own statement. Shri. Dey has not been promoted to L.D.C. anytime. He was appointed LDC on subsequent date as Direct Recruitment Quota.

Handwritten notes and signatures in the top right corner. It includes a signature, the date '21/7/01', and the text 'C.S.C.'.

3. That with regard to para 4.3, the respondents beg to state that the Director, Botanical survey of India letter dated 06.10.1995 by the then Sr. Administrative Officer (Head of Office, Hqrs.) in compliance with office records of Headquarters.
4. That with regard to para 4.3, the respondents beg to state that the date 30.10.1941 is on the basis on Hqrs. Records (seniority list etc.). Service records once recorded in the relevant registers can not be changed/alterd without prior permission / approval of the competent authority. In the instant case, application not submitted within stipulated time thus it cannot be entertained.
5. That with regard to para 4.5, the respondents beg to state that the applicant's date of appointment is 19.03.1964. Circulation of seniority list by the Respondent No.2 from time to time to all offices concerned is a routine matter Applicant's date of birth was recorded as 30.10.1941 in the post of peon and the same was circulated by Respondent No.2 vide page 3, Sl.No.2 of Peon/Bearer, Eastern circle as on 01.07.1967 onwards. Applicant never objected to his date of birth as recorded on 30.10.1941 until the year 2000. All service records show that his date of birth is 30.10.1941. Seniority list as on 01.01.1976, 01.01.1981 in the post of LDC have been circulated and on every occasion it has been recorded in Hqrs. Records that his date of birth is 30.10.1941. Seniority list dated 1.7.67, 1.1.76, 1.4.76 and 1.1.81 are annexed herewith and marked as Annexure - R1 series.

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6. That with regard to para 4.6, the respondents beg to state that no such respondents beg to state that no such representation of Sri Dey has been received by the respondent No.2. If so he may produce the document under which endorsement the same has forwarded to Director, BSI. Request for correction of seniority list has always been entertained by this office for compilation with valid documents/records.
7. That with regard to para 4.7, the respondents beg to state that it is not a fact.
8. That with regard to para 4.8, the respondents beg to state that in terms of Rule G.I. DPT No. 19017/2/92-Estt (A) dated 19.5.1993 in the alternation of date of birth can be made with the sanction of Ministry/Department and consequently such alternation can be made within 5 years of entry in Govt. Service. Applicant appointed on 19.3.1964 in Group 'D' post but he claimed submitted request on 21.9.1976 (as per his statement which may not be valid) which is after a lapse of more than 12 years. A letter from this office was issued on 06.10.1995 to correct the date of birth as 30.10.1941 ( annexure -D of the O.A.) as originally recorded in Hqrs. Office and its consequential effect. Copy of G.I. DPT dated 19.5.1993 is annexed hereto and marked as Annexure - R II - series.
9. That with regard to para 4.9, the respondents beg to state that the respondents have not violated /any rule,

on the contrary letter was issued to correct the actual date of birth as 30.10.1941 (Annexure - D of the O.A.) while going through the Service Book it is rather surprising that the date of birth originally recorded in Hqrs. has not been tallied with Service Book.

10. That with regard to para 4.10, the respondents beg to state that the respondent no.2 issued letter on 06.10..1995 as notice for hearing from Applicant. Sufficient time had lapsed since then without response. He may be asked to produce the class VIII pass school certificate in original which he submitted at the time of entry into Govt. service to substantiate his claim of the date of birth

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## V E R I F I C A T I O N

I, Shri Dr K.P. Singh being authorized do hereby verify and declare that the statement made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact. ✓

And I sign this verification on this the  
day of June, 2001.

*[Signature]*  
29.6.2001

Declarant

संयुक्त निदेशक  
Joint Director.  
भा. व. सर्वेक्षण  
BSI-EC, Shillong.