

01/100

3

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No... 58/2002...

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SECTION OFFICER (Judl.)

FORM NO. 4  
(See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Original No. 58/2002  
Misc. Petition No.         
Contempt Petition No.         
Review Application No.       

Applicant(s) Ani suadha Sarma

Respondent(s) 1201 & 038

Advocate for Applicant(s) Mr J.L. Sankar, S. Doka

& A. Chakraborty

Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
<p>This is application in form C. F. for Rs. 50/- deposited vide IP No. <u>66547/01</u> Dated <u>17.2.2002</u> <u>Dr. Registrar 21/2/02</u></p> <p>No steps has been taken.</p> <p>Copy of this order be given to the the learned counsel for the applicant.</p> <p>By Order. <u>[Signature]</u></p> <p><u>25/2/02</u></p>	<p>22.02.02</p> <p>lm</p> <p>1.3.2002</p> <p>nk m</p>	<p>Heard learned counsel for the parties.</p> <p>Issue notice of motion. List on 1.3.02 for Admission.</p> <p>Issue notice on the Respondents to show cause as to why the interim order as prayed for shall not be granted.</p> <p><u>[Signature]</u> Member</p> <p>Heard Mr A. Chakraborty, learned counsel for the applicant. The application is admitted. Call for the records. Mr A. Deb Roy, learned Sr. C.G.S.C. is present. List for written statement on 3.4.02.</p> <p><u>[Signature]</u> Vice-Chairman</p>

Copy of order dtel. 22/2/02  
forwarded to Sri J. K. Sankar  
Learned Counsel for the  
applicant and Notice  
prepared and sent  
to SLs for filing the  
same by Regd A/D.

26/2/02

DIN No. 670 k 671

Dtd 27/2/02

Sharma  
26/2/2002

No. written statement  
has been filed.

2.4.02

1/6

3.4.02

Four weeks time is allowed to  
the Respondents to file written statement.  
List on 1.5.2002 for orders.

K. C. Sharma  
Member

mb

1.5.2002

List the case on 29.5.2002 enabling  
the respondents to file written statement.

Vice-Chairman

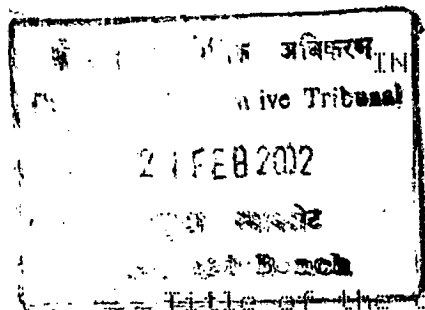
bb

31.5.02

Mr. A. Chakraborty learned counsel  
appearing on behalf of the applicant has  
stated that the applicant has already  
obtained the relief as prayed for in this  
application. The date of superannuation  
has now been modified by the respondents  
as 1st March 2003 by Order No. Estt/VI-P/  
In the circumstances it is seen that  
7-65/Vol. II dated 28.2.2002, the applicant  
has already obtained the relief. The appli-  
cant has not pressed the application.  
Accordingly, the application is dismissed  
as not pressed.

Vice-Chairman

lm



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Guwahati Bench

GUWAHATI BENCH :: GUWAHATI

21 FEB 2002

স্বাক্ষরিত

স্বাক্ষরিত

Title of the Case

O.A. No.: 58 /2002

Sri Aniruddha Sarma

:

Applicant

versus

Union of India & ors.

:

Respondents

I N D E X

Sl.No.	Annexure	Particulars of Documents	Page No.
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5.	C	Letter dated 3.7.89	13
6.	D	Representation dated 15.1.98	14
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Filed by

(A. Chakraborty)

Advocate

Aniruddha Sarma

15/11/98

Chakraborty 21/02/2002

In The Central Administrative Tribunal  
Guwahati Bench :: Guwahati.

O.A. No. /2002

BETWEEN

Sri Aniruddha Sarma,  
Working as Superintendent under The  
Director General, Assam Rifle,  
Shillong - 11.

Applicant

AND

1. Union of India represented by the  
Secretary, Ministry of Home Affairs  
Government of India,  
New Delhi.

2. The Director General,  
Assam Rifles,  
Shillong-11.

Respondents

Details of the Application :

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

The application is made for a direction to the respondents to act according to the correct date of birth as per age in the Matriculation certificate and for retirement on superannuation of the applicant accordingly.

Filed by Mr. Aniruddha Sarma  
through A. Chakrabarty  
21/02/2002

2. Jurisdiction:

The applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble tribunal.

3. Limitation:

The applicant declares 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 Lower Divisional Clerk(now upgraded as Upper Divisional Clerk) on 27.7.1963 in the Directorate General Assam Rifles. It is stated that the applicant is a civilian employee. He was appointed directly, and without any formal interview. He was promoted as Assistant in 1987 and as Superintendent in 1996. The applicant is now working as Superintendent.

4.3 That at the time of joining, the applicant produced his original matriculation certificate before the then Head Clerk of 2nd Assam Rifles. The then Head Clerk after verifying the same made entries in the service book and got it signed by the applicant. It is stated that the applicant could not see the entries in the service book. He was asked to put his signature, in the service record and he signed it. He was not shown the entries made by office in

Amrinda Sharma

✓

1

•

4.5 That thereafter the applicant made a representation dated 3.7.1989 requesting the respondents to make correction of his date of birth as per Matriculation Certificate in his service book. But the respondents did not rectify the clerical error nor any reply was given. The applicant also in a number of occasions represented in

4

Copy of the representation dated  
3.7.1989 is enclosed as Annexure -C

4.6 That the applicant then again made a representation dated 4.12.1996 requesting for correction of date of birth in his service book but most unfortunately this time also he was not given any reply. Then the applicant by a representation dated 15.1.1998 prayed to the respondent No.2 for his sympathetic action in this regard and demanded justice. This representation was forwarded by the then Major, JAD(Comm), Signal Branch by a letter dated 15.1.1998.

Copy of the representation dated  
15.1.1998 with the forwarding  
letter is enclosed as Annexure-C.

4.7 That thereafter the respondents rejected the prayer of the applicant without taking into consideration the Matriculation Certificate and communicated to him by a letter dated 5.2.1998. It is stated that the respondents did not question the authenticity of the Matriculation Certificate, and it is not disputed. The applicant was shocked and rushed to the departmental authorities and prayed orally for reconsideration of his case. The departmental officers were very sympathetic to him and assured him that his case will be reconsidered. Thereafter he came to know that his date of birth was corrected in his



service as per his Matriculation Certificate i.e. 1.3.1943 after considering the same.

Copy of the letter dated 5.2.1998 is enclosed as Annexure-D

4.8 That by the office letter dated 21.9.2001 the respondents sent four sets blank pension papers to be handed over to the applicant, and in the said letter his date of retirement was shown as 01.03.2002. It is stated that the date of retirement of the applicant as per his corrected date of birth in the service book is 01.03.2003. It is reiterated that the date of birth of the applicant as per Matriculation Certificate is 01.03.1943, and the respondents corrected the wrong entry of his date of birth in the service book after verifying his original Matriculation Certificate.

Copy of the office letter dated 21.9.2001 is enclosed as Annexure-F.

4.9 That the applicant then represented orally before the departmental authorities to enquire into the matter. But he was advised to submit his pension papers and accordingly he submitted pension papers on 31.10.2001. Thereafter, in December, 2001 he was called by the establishment branch to sign his service book against column increment. He reported there with a hope to verify his service book but he was told that his service book had already been forwarded to Pension Branch. Then he reported to Pension Branch and found that his corrected date of birth in the service book was tempered

Arise oldha Same

and the last digit of his year of birth has been over-written as 2.

Copy of the representation dated 30.01.2002 is enclosed as Annexure-G

4.10 That thereafter the applicant made an application to the Grievance Cell with a copy to the Discipline and Vigilance Branch stating the above facts of tempering the date of birth in his service book and his application was forwarded by the Major, JAD(Comn), Signal Branch by letter dated 5.2.2002. But most unfortunately the Grievance Cell with a letter dated 6.2.2002 returned the application with the remarks that the case is not pertaining to Grievance Cell. The Discipline and Vigilance Branch also with their letter dated 6.2.2002 returned the application with the advice to the applicant to approach to the Grievance Cell.

Copy of the forwarding letter of Major, JAD(Comn) dated 5.2.2002 is enclosed as Annexure-H.

Copy of the letters dated 6.2.2002 is enclosed as Annexure- I & J respectively.

4.11 That the applicant begs to state that he demanded justice but he has been denied the same. The respondents have changed his corrected date of birth in the service book behind his back. The applicant humbly states

Amended the Same

that the respondents are now pushing him from one Branch to another for redressal of his grievances without any result. The act of the respondents has caused mental agony to the applicant.

4.12 That the applicant humbly begs to submit that if he retires for a wrong entry of his date of birth in the service book, he shall suffer irreparably loss and injury. His date of retirement as per correct date of birth shall be on 1.3.2003. But he is being compelled to go on superannuation w.e.f. 1.3.2002 on the basis of wrong entry of date of birth in the service book, due to clerical error/unauthorised tempering after correction of clerical error. In the above facts and circumstance the Hon'ble tribunal be pleased to order for production of the records.

5. Grounds for reliefs with legal provisions:

5.1 For that the letter dated 21.09.2001 was issued on the basis of tempered service record and offends Article 14 of the Constitution of India.

5.2 For that the respondents acted violating the principles of natural justice.

5.3 For that the respondents have most negligently fixed the date of retirement of the applicant keeping reliance upon incorrect/tempered service book.

5.4 For that the tempered/incorrect service book can not be considered in determining the date of superannuation of the applicant disregarding the Matriculation Certificate as an authentic document.

Ajithkumar Sarna

5.5 For that 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.

5.6 For that the respondents denied to look into the matter of tempering of service record of the applicant.

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 the applicant 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 on the subject matter.

8. Reliefs sought for :

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

8.1 The respondents be directed not to act upon the incorrect/tempered service book for retirement on superannuation of the applicant, and not to superannuate the applicant w.e.f. 01.03.2002.

8.2 The respondents be directed to act according to the correct date of birth as per age in the Matriculation

Certificate and be further directed to consider the same for retirement of the applicant on superannuation i.e. w.e.f. 1.3.2003.

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 for the following reliefs:

9.1 The respondents be directed not to superannuate the applicant w.e.f. 1.3.2002

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.	:	7G 547111
ii) Date of issue	:	17.2.2002
iii) Issued from	:	}
iv) Payable at	:	

12. Particulars of Enclosures :

As stated in the index.

Verification.....

Amriddha Sarma

Verification

I, Anniruddha Sarma Son of Late A. N. Sarma, resident of Shillong - 11, aged about 59 years do hereby verify that the statements made in para 1,4,6 to 12 are true my personal knowledge and those made in para 2,3 and 5 are true to my legal advice and that I have not suppressed any material facts.

And I, sign this verification on this 20th day of February, 2002.

*Anniruddha Sarma*

Annexure - A

(107) 5

MXVIII.14012/75/88-Sigs


Dated Shillong, the 03 May 89

SIGNALS BRANCH

FORWARDING OF CERTIFICATE

1. Ref your ION No. PST/VI-P/7-65/272 dated 26-4-89.
2. Original certificate of Matriculation Examination in respect of Shri A Sarma, Asstt of this branch is forwarded herewith for verification of date of birth. The same may be returned to this branch after verification please.

Encls : 1 (one)

  
Major  
JAD(Comm)

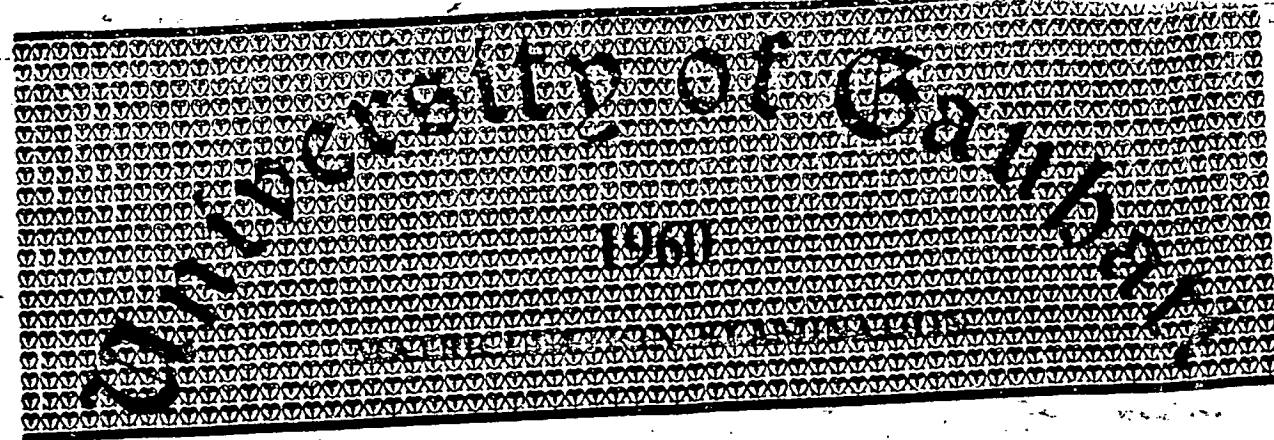
Estt Branch

*Attended  
Kankul  
Advocate*

*FR  
110  
129* / *PR  
42*

*Received Secy*

*2/15*



I certify that Aniruddha Sarma

Roll Gau No. 1086, aged 17 years x months on the

First of March, 1960, duly passed the Matriculation Examination, 1960, of this University, and was placed in the Third Division.

*Attested by*  
*Principal*  
*Registrar*

GAUHATI, ASSAM

The 25th July, 1960



Attested  
*W. S. S.*  
30/1/2002  
Accounts Officer  
ARGIS Directorate  
Shillong 793011

*S. B.*  
Registrar



(Through proper channel)

DATE OF BIRTH

Sir,

1. Ref your ION No. EST/VI-T/7-65/275 of 27.6.89.

2. Respectfully, I beg to state that my service book was opened by the then Head clerk of 2nd Assam Rifles after proper verification of my original certificate produced to him during July 1963 which was not shown to me on the plea of 'Confidential'. I was quite ignorant about the wrong entry of date of birth in the service book as I had good faith on the then Head clerk of 2 AR.

3. That Sir, fortunately, when the dealing Asstt called me to sign against various entries in my service book, I came to know about the wrongly entered date of birth and immediately I apprised your goodself about that with a request for correction.

4. In view of the above facts, I beg to request you kindly to amend the date of birth as per my Matric Certificate to avoid future complications.

5. Thanking you in anticipation,

Yours faithfully,

*af*

(Anirudha Sharma)  
Asstt  
SIG Branch, DGAR

Date : 3/7/89

*Attested  
By  
Advocate*

From,

Aniruddha Sarma  
Supdt (Sigs)  
Signals Branch  
DGAR, Shillong

— 14 —

Annexure - 2

18

To,

The Directorate General  
Assam Rifles  
Shillong-11

(Through proper channel)

DATE OF BIRTH

Sir, I beg to state that my date of birth was erroneously entered by the Head clerk of 2 AR as 01-3-42 instead of 1-3-43 in my service book. I have already requested to your goodself so many times for amendment of the date of birth (copies enclosed). My original certificate was submitted to you vide this branch ION No XVIII.14012/75/88-Sigs of 3-5-89 (copy enclosed) against your ION No. EST/VI-P/7-65/272 of 26-4-89. A board of officers were also assembled to verify the service documents and matric certificates etc. but no amendment have so far been done. It was a clear case of (an advertant clerical mistake).

4-13-91 That Sir, I have produced my original matric certificate with the hope that the error will be rectified as per procedure with the approval of competent authority. As gathered now, it has not been done so far. In this connection I invite your kind attention to GFR-79(2) which reads as follows :-

\* The actual date of the assumed date determined under Rule-80 shall be recorded in the history of service, service book or any other record that may be kept in respect of the Government Servants service under Government and, once recorded, it can not be altered except in the case of clerical error, without the previous orders of a Department of the Central Government or in Administrator".

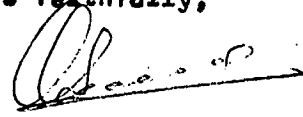
4. That sir, It may be clear from the facts and circumstances and in adherence to the rule position my date of birth is required to be amended as "Clerical error" in support of my matric certificate (Copy enclosed).

5. In view of above I earnestly request your goodself to look into the matter personally so that your kind administration can get me legitimate justice and save me from the heavy loss of my service carrier of one year which is being incurred for a simple clerical mistake for no fault of my own and for above act of your kindness I shall remain ever grateful to you.

6. A sympathetic action is highly requested at the earliest please.

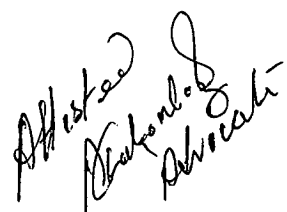
7. Thanking you,

Yours faithfully,




(Aniruddha Sarma)  
Supdt (Sigs)  
Signals Branch

Date : 15 Jan 98



ESTABLISHMENT BRANCHCHANGE OF DATE OF BIRTH

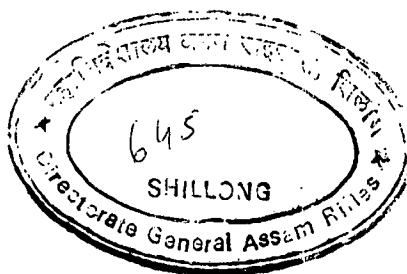
1. Reference your XVIII.14012/75/96-Sig dated 15 Jan'98.
2. The prayer for change of date of birth in respect of Shri Aniruddha Sharma, Supdt of your Branch has been reconsidered but the same is rejected being devoid of merit. The individual may please be informed that the recorded date of birth in his service Book i.e. 01 Mar'42 should be maintained for all purposes till he superannuates.



(Surjit Kumar)  
Dy Comdt  
Estt officer

Signal Branch

*Attended  
Dy. Comdt  
Shillong*



RECEIVED

*2/2 MS*

RECEIVED / TOT

RECEIVED / Supdt

RECEIVED / Dy Comdt

8869

2/2

NRN

-16-

Annexure - F  
(25)  
20

File No. RC/40-62/EST/VOL.II/82/21 Sep 2001

ESTABLISHMENT BRANCH (SB)

FORWARDING OF PENSION PAPERS

1. Four sets of blank pension papers each in respect of following staff of your Branch, who are proceeding on Superannuation pension wef dates shown against each are sent herewith for handing over to the individual concerned:-

- (a) Shri Subhas Chandra Roy, Supdt - 01 Mar 2002(FN)
- (b) ✓ Shri Anirudha Sharma, Supdt - 01 Mar 2002(FN)
- (c) Shri Kabindra Kumar Chakraborty, Asst - 01 Mar 2002(FN)
- (d) Shri Laxmi Kanta Sharma, Asst - 01 Mar 2002(FN)
- (e) Shri Nirendra Kumar Nag, Asst - 01 Mar 2002(FN)
- (f) Shri A B Kar, Asst - 01 Mar 2002(FN)
- (g) Shri Jatindra Nath Gogoi, UDC - 01 Mar 2002(FN)

2. They may kindly be instructed to affix joint photograph (four copies in black and white) in respective form and while signing the pension papers "revenue stamp may be affixed on the pre-stamped receipt. Forms duly completed and the same may please be forwarded to this Branch at an early date for further action.

Encl : As stated above

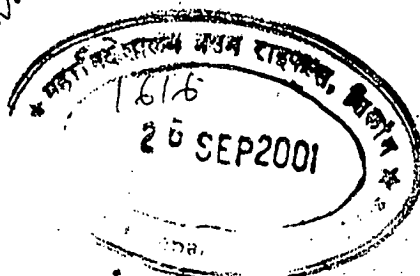
✓  
Fin/sig/Engr/Record

Copy to :-

( N S Yadav )  
By Comdt  
Establishment Officer

Records (NE-II) - for information please.

*Delivered  
Chakraborty  
Advocate*



17 —

Annexure - 6

21

From : Aniruddha Sarma  
Supdt  
Signals Branch  
DGAR, Shillong-11

To : The Directorate General Assam Rifles  
Shillong-11

(Through proper channel)

**DATE OF BIRTH**

Sir,

1. With reference to my application dated 15 Jan 1998 (copy enclosed), I beg to lay the following few lines for your kind consideration please.

2. Respectfully I beg to state that as per date of birth entered in my Service Book I have submitted my pension paper on 31-10-2001. Establishment branch (Ser sec) has called me to sign in my Service Book during 3<sup>rd</sup> week of December 2001, when I reported to them, I was told that my Service Book had already been forwarded to Pension branch, so I should go to Pension branch to sign in my Service Book against column increment though it was supposed to be completed in Service Section itself before sending to Pension branch. After two months from submission of pension papers, Establishment branch called me to sign so that I could not get chance to see my Service Book which is a case of benefit of doubt.

3. That sir, I have reported to Pension branch and when opened my Service Book surprisingly, I have noticed that the board of officers detailed to verify the age of the civil staff had already amended my date of birth as 1943. I noticed that in the opposite side of copy of Matric certificate they had calculated as :-  $1960 - 17 = 1943$  and in first page of my Service Book it was written that "as per Matric certificate No 2282 issued by Gauhati University his date of birth is 1943". But unfortunately I have seen that somebody had distempered the figure three and over-written as two instead of 3 and put three crossed marks without obtaining anybody's signature. This might have done by the then dealing clerk with the help of the then Supdt as they were the only hands to deprive me to serve one year more.

LCI Man

Sd/xxx

Signed by Estt officer with seal

...2/

Attested  
Aniruddha Sarma  
DGAR, Shillong-11

22

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...2...

4. I, therefore earnestly request you kindly to investigate the matter at the earliest and request to take necessary action against the person concerned who had distempered the figure three for which of their foul play I am compelled to go on superannuation pension before my actual age.

5. I request you kindly to inform me the action taken before 28 February 2002.

6. Thanking you.

Your's faithfully



(Aniruddha Sarma)  
Supdt  
Signals Branch  
DGAR

Dated : 30 Jan 2002

Copy to : Legal Branch ]  
D & V Branch ]

For similar action please.

19-

Annure 11  
2

XVIII.14012/75/2002-Sigs

Dated 05 Feb 2002

SIGNALS BRANCH

FORWARDING OF APPLICATION

An application submitted by Shri A Sarma, Supdt of this branch is forwarded herewith for your necessary action please.



( N K Rawat )  
Maj  
JAD(Comm)

Grievance Cell ( A Branch )

Copy to :-

Office Secy  
Mr. G. M. S.  
Mr. V. C. S.

D & V Branch - for ref your ION I.12028/ARTC&S/2001/DV-3 of 4 Feb 2002.

4-2  
11/02/02

-20-

Annexure - I

I.14016/40/A-II/PO/2002/1a1

Dated : 06 Feb 2002

24

A BRANCH (SEC-II)

RETURNING OF APPLICATION

1. Application in respect of Shri Aniruddha Sharma, Supdt  
recd vide Sig Branch service Note No XVIII.14016/75/2002-  
Sigs dt 05 Feb 2002 is fwd herewith in original for necessary  
action as per and as the case is not pertaining to  
Grievance Cell (A Branch).

(IM Singh)
Lt Col (P)
Ad (A)
(10241P) OAC/...

Encs : 03 (Three)

Est Branch

Copy to :-

D & V Branch

Sig Branch

- for info

LM 5/2



-21-

Annexure-J  
2

I.12028/ARTC&S/2001/DV-3/

Dated : 06 Feb 2002

DISCIPLINE AND VIGILANCE BRANCH

FORWARDING OF APPLICATION

1. Ref your Service Note No XVIII.14012/75/2002/Sigs dated 30 Jan 2002.
2. The complaint be fwd to his OC with your recommendations since the appln should be routed through proper ch. The indl may be advised to appch the Grievance Cell *func* under 'A' Branch this HQ.
3. Appln is returned herewith in original.

*Justified  
K. K. K. K.  
Phodant*

*S*  
(S J S Grewal)  
Lt Col  
AD (Discp & Vtg)

~~Encl~~: 3(three) only

Signals Branch

Shyam/\*\*\*