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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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09/07/2015  
SECTION OFFICER (JUDL.)

8.7.2015

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

1. ORIGINAL APPLICATION No : 241 / 2009
2. Transfer Application No : ----- / 2009 in O.A. No. -----
3. Misc. Petition No : ----- / 2009 in O.A. No. -----
4. Contempt Petition No : ----- / 2009 in O.A. No. -----
5. Review Application No : ----- / 2009 in O.A. No. -----
6. Execution Petition No : ----- / 2009 in O.A. No. -----

Applicant (S) : Bolo Ram Boro

Respondent (S) : State of I. Jors

Advocate for the : Mr. Niva Sharma Thakuria  
{Applicant (S)}

Ms. N. Deka

Advocate for the : CGSC  
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed &amp; deposited vide P.O.D No. <u>396/42441</u> Dated <u>16.8.09</u></p> <p>Dy. Registrar</p> <p>Steps taken alongwith envelopes. Undertaking given for Service copy.</p> <p><u>Pri</u> <u>19/11/09</u> <u>SO (J)</u></p> <p>Order copy received by Advocate Deka for Applicant. <u>1/12/09</u></p>	<p>25.11.2009</p>	<p>Applicant claims his date of birth as 03.10.1952 &amp; not 04.02.1949, based on which, he has been made to retire on 04.02.2009. It is stated that Respondent No.3 applied coercion &amp; obtained a communication from him stating his date of birth as 04.02.1949. Vide representation dated 15.11.2008 a request was made to rectify his date of birth, which was followed by reminder in July 2009. Through out his date of birth indicated had been 03.10.1952.</p> <p>In view of above, issue notice to the Respondents under Rule 11(1)(i) of CAT (Procedure) Rules, 1987, returnable by 24.12.2009.</p> <p>List on 24.12.2009. Respondents are directed to produce the service book of the Applicant on the date of hearing.</p> <p>(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta) Member (A) Member (J)</p>

/bb/

steps taken  
on 8/12/09.

8/12/09.

Copies of notices  
along with order  
dt. 25/11/09 send  
to D/Sec. for  
issuing to the  
respondents by  
speed post, A/D,  
at the cost of  
applicant.

D/No - 12832

8/12/09. Dt. - 8/12/09

No w/s filed.

25.1.2010

No w/s filed.

25.2.2010

26.2.2010

W/s has been filed  
by the Respondents in  
the Court. Copy  
served.  
26/2/10

No rejoinder  
filed.

15.3.2010

O.A.241 of 09

24.12.2009

Mrs. M.Das, Learned Sr. Standing  
counsel appearing for the Respondents  
seeks four weeks time to file written  
statement.

List the matter on 27.1.2010.

Lm

(Madan Kumar Chaturvedi)  
Member (A)

27.01.2010

Last opportunity for filing reply, for four  
weeks, as prayed for, is granted to  
Respondents. It is made clear that no request  
for extension of time will be considered.

List on 26.02.2010. Copy of this order  
be made available to Mrs.M.Das, learned  
Sr.C.G.S.C. for the Respondents.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

26.02.2010

It is stated that reply will be filed during  
the course of the day, copy of which, has  
already been given to Mrs.N.S.Thakuria,  
learned counsel for Applicant, who in turn  
seeks and allowed two weeks time to file  
rejoinder.

List on 16.03.2010.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)  
Member (A) Member (J)

/bb/

16.03.2010 Ms. N. Deka, proxy counsel for Ms. N.S. Thakuria, learned counsel for applicant appeared and prayed for one week time to file rejoinder.

List on 24<sup>th</sup> March 2010.

No rejoinder filed.

*M*  
23.3.2010

*M*  
(Madan Kumar Chaturvedi)  
Member (A)

/pb/

24.03.2010 Ms. N. Deka, proxy counsel for Ms. S.N. Thakuria, learned counsel for Applicant appeared and presented the copy of rejoinder, as such pleadings are complete.

List the matter for hearing on 23<sup>rd</sup> April 2010.

*M*  
(Madan Kumar Chaturvedi)  
Member (A)

The case is ready for hearing, /pb/

*M*  
23.04.2010  
22.4.2010

Mrs.N.S.Thakuria, learned counsel for applicant prays for adjournment. Mrs.M.Das, counsel for the respondents has no objection.

List on 29.04.2010.

*M* (Madan Kumar Chaturvedi) Member (A) *M* (Mukesh Kumar Gupta) Member (J)

The case is ready for hearing.

*M*  
28.4.2010

/bb/



O.A. NO. 241/2009

29.04.2010

Heard Ms N.S. Thakuria, learned counsel for applicant and Mrs M. Das, learned Sr. C.G.S.C. for the respondents. O.A. is allowed. Reasons recorded separately.

Received copy:  
N.S. Thakuria  
5.5.10

Received copy  
For Mrs. M. Das,  
C.S. Hazarika  
5.5.10

(Madan Kumar Chaturvedi)  
Member (A)

(Mukesh Kumar Gupta)  
Member (J)

nkrm

24-5-2010

Judgment/Penal order  
dated 29/4/2010 passed  
and sent to the D/Sectn.  
for issuing the applicant/  
Respondents vide NO-1157  
to 1158  
dated 28-5-2010  
copy received Advocate  
for both sides.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 241 of 2009.

DATE OF DECISION: 29 -04-2010.

Shri Bolo Ram Boro

.....Applicant/s

Mrs N.S. Thakuria

.....Advocates for the  
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

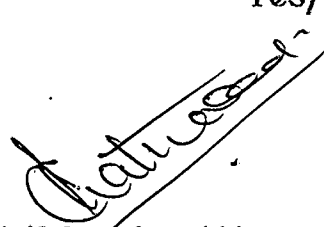
Ms M. Das, Sr. C.G.S.C

.....Advocate for the  
Respondent/s

CORAM

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)  
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER(A)

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No

  
Member (J)/Member(A)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI :

O.A. Nos.241 of 2009

DATE OF DECISION : THIS IS THE 29th DAY OF APRIL, 2010.

THE HON'BLE MR MUKESH KUMAR GUPTA, MEMBER (J)  
THE HON'BLE MR MADAN KUMAR CHATURVEDI, MEMBER (A)

Shri Bolo Ram Boro  
S/O Late Lakhi Ram Boro  
Vill. Bhitorkhula, P.O. Kamalpur,  
P.S. Kamalpur, District, Kamrup, Assam. ....Applicant

By Advocate Mrs N.S.Thakuria

-Versus -

1.The Union of India  
represented by the Secretary to the  
Government of India, Ministry of Defence,  
New Delhi - 110001.

2.The Commandant,  
Central Ordnance Depot, Chheoki,  
Allabahad, Uttar Pradesh-211003.

3. The Personnel Officer,  
Central Ordnance Depot, Chheoki,  
Allabahad, Uttar Pradesh-211003.

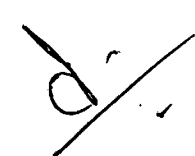
4.Record Officer,  
A O C, Secunderabad-15,  
Andhra Pradesh - 500003. ....Respondents

By Advocate Mrs M. Das, Sr. C.G.S.C

ORDER

**MR MADAN KUMAR CHATURVEDI (A)**


By this O.A applicant makes a prayer that respondent  
authorities be directed to take into account the applicant's correct date  
of birth and orders dated 26.2.2009 and 13.5.2009 by which applicant



was superannuated from service and pension papers were served, be quashed.

2. The applicant was working as Foreman in the Central Ordnance Depot, Chheoki, Allahabad, Uttar Pradesh. He was initially appointed on 4.2.1972 as Vocal Mechanic in the one Advance Base Workshop, E.M.E, Narengi, Guwahati. In the year 1973 he was appointed as Fitter in the aforesaid workshop. After serving there for 3 years in the year 1976, he was transferred to 65 Core Ordnance Maintenance Prop, Ganganagar. In the year 1983 he was transferred to 11 Field Ordnance Depot, Bhatinda, Punjab. Thereafter, on 10.9.87, he was transferred to Central Ordnance Depot, Chheoki, Allahabad.

3. At the time of joining the service applicant produced his school leaving certificate to prove the date of birth. This certificate was issued by the Head Master, Dorakahara Govt. Aided M.E.School vide Sl.No.317 dated 31.12.1971. In the certificate the age of the applicant was mentioned 18 years 2 months and 28 days. We find that the copy of said certificate is available in the service Card of Civilian Personnel. On the basis of this certificate the age of the applicant in the service record was stated to be shown as 28.6.1952. We have examined the service book Part-II of the applicant. The Commandant, Central Ordnance Depot, Chheoki, Allahabad vide his letter dated 27.6.08 asked the applicant to make some clarification as regard the date of birth. Applicant requested that his date of birth to be rectified as 3.10.1952 instead of 28.6.1952 as per the calculation based on the school leaving certificate. At that point of time it is stated that

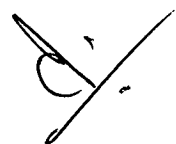


Personnel Officer (Civil), pressurized him to state his date of birth as 4.2.1949. On 4.11.2008 respondent No.3 asked the applicant to visit his office and there he forcefully took his signature on a typed letter where it was written that applicant requested the Personnel Officer (Civilian) to correct his date of birth as 4.2.1949 which was recorded as 28.6.1952.

4. Respondent No.3 stated to be misbehaved with the applicant and threatened him to take action against him. On 15.2.2008 applicant submitted representation before the Commandant, Central Ordnance Depot, Chheoki, Allahabad stating how he was forcefully compelled by the respondent No.3 to sign a letter dated 4.11.08, wherein it was stated that applicant's date of birth be accepted by the authority as 4.2.1949 and not as 28.6.1952.

5. Mrs M.Das, learned Sr. Standing counsel submitted that the applicant did not produce the educational certificate before the RMO at the time of medical examination in support of his date of birth, Major Deveshvar, RMO, 1 Advance Base Workshop assessed his age as 23 years on 4.2.1972 and put this remark on medical examination certificate. According to Mrs M.Das assessed date of birth was accepted by the applicant and he put a signature thereon.

6. On completion of 25 years of service the Service Book of the applicant was referred to audit authority for service verification. During the course of audit it was observed that as per medical examination report dated 4.2.1972 the date of birth of the applicant was 4.2.49, it was taken as 28.6.1952 without any documentary proof and without the permission of competent authority.



7. We have heard rival submissions and examined the relevant records. Pass No.D00476 bearing Personal No. 66491 dated 2.8.2007 of the applicant was produced before us wherein the date of birth of the applicant is mentioned as 28.6.1952. On the first page of the service book Part II the date of birth of the applicant is mentioned as 28.6.1952. Thereafter this is rounded and on the top of it somebody made a correction by inserting the date as 4.2.1949. What is the basis of the correction and who did that correction are some of the questions which we raised at the time of hearing but no proper reply could be given in this regard. We do not know whether at the time of joining school leaving certificate was given or not but it is quite clear that the date of birth was recorded as 28.6.1952. School Leaving Certificate which is also placed in the service book also supports this fact. Therefore we find no reason to make a change in this regard at the fag end of the career of the applicant by putting a new date of birth which is not supported by any cogent material. After taking into consideration entirety of factual details we are convinced that the superannuation of the applicant was based on incorrect date of birth as such we direct the respondents to reinstate the applicant in service within four weeks from the date of the receipt of this order with all consequential benefits.

In the result O.A stands allowed. No costs.

  
(MADAN KUMAR CHATURVEDI)  
ADMINISTRATIVE MEMBER

  
(MUKESH KUMAR GUPTA)  
JUDICIAL MEMBER

24.11.09

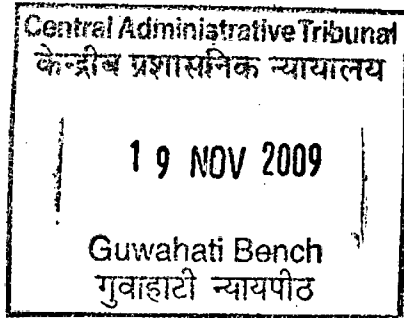
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O A NO. 241 /09

Shri Bolo Ram Boro.....Applicant

-VS-

Union Of India & Ors.....Respondents



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17.

W/S  
Rejoinder

Filed by:

Niva Sharma Thakuria.  
(NIVA SHARMA THAKURIA)

ADVOCATE

Shri Bolo Ram Boro

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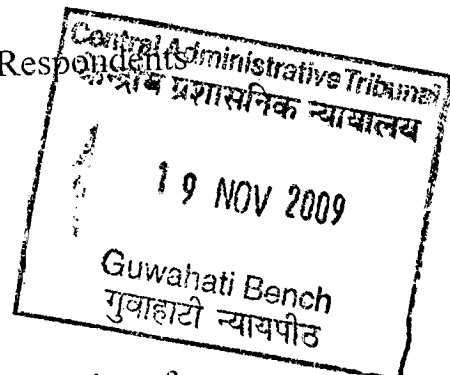
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O A NO. 241...../09

Shri Bolo Ram Boro.....Applicant

-VS-

Union Of India & Ors.....Respondents



**SYNOPSIS**

The present application is filed by the Applicant praying for a direction to the Respondent Authority to stay the retirement order and the pension order dated 26.02.09 and 13.5.09, which were served to the Applicant before the actual date of retirement.

The Applicant was working as Foreman in the Central Ordnance Depot, Chheoki, Allahabad, Uttar Pradesh, being No.6966491. The Applicant was initially appointed on 4.2.1972 and at the time of joining in his duty, he submitted the School-leaving Certificate issued by the Head Master of the School. According to the School Certificate, his date of birth is 03.10.1952.

In all Official documents of the Applicant the Respondent Authority showed his date of birth as 28.6.1952.

The Commandant, Central Ordnance Depot, Chheoki, Allahabad, sent a letter to the Applicant whereby asked him to clarify the date of birth vide No.120167/Estt-NI dated 27.6.08. Accordingly on 30.06.08, the Applicant submitted representation before the Commandant, Central Ordnance Depot, Chheoki, Allahabad, whereby he requested to rectify the date of birth quoted in his service records and submitted some documents in its support.

When the applicant was expecting that the Respondent Authority would rectify his date of birth as 03.10.1952, on 04.11.08, the Respondent No.3 forcefully took the signature of the Applicant on an application where

Sh. Bolo Ram Boro



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it was stated that the applicant requested the authority to accept his date of birth as 04.02.1949.

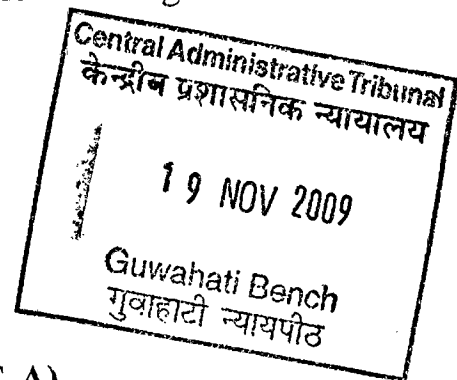
Finding no alternative, the applicant submitted representation before the Respondent No.2 on 15.11.08. But the Respondent No.2 instead of taking any action against the Respondent No.3, on 26.02.09 served him the order of retirement and on 13.5.09 the pension papers before the actual date of retirement i.e, in the year of 2012, when the Applicant will be sixty years of age.

Again the Applicant submitted representation before the Respondent No.2 , but the same did not yield any response.

Since justice has been denied, therefore this application is being filed by the Applicant.

#### LIST OF DATES

Identity card	(ANNEXURE-A)
<u>10.9.87</u> Movement order	(ANNEXURE-B)
<u>15.9.97</u> Certificate of appreciation	(ANNEXURE-C)
<u>31.12.71</u> School Leaving Certificate	(ANNEXURE-D)
<u>10.9.92</u> Form for family details	(ANNEXURE-E)
<u>19.4.05</u> Seniority list	(ANNEXURE-F)
<u>30.6.08</u> Representation on declaration of date of birth	(ANNEXURE-G)
<u>04.11.08</u> Letter (in which forcefully took signature of the applicant )	(ANNEXURE-H)
<u>15.11.08</u> Representation	(ANNEXURE-I)



Sh. Bolo Ram Boro

26.2.09 Orders of retirement

(ANNEXURE-J)

13.5.09 Pension papers

in series

Official Correspondence

(ANNEXURE-K)

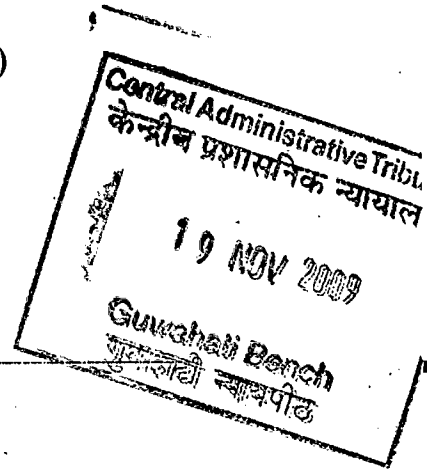
In series

10.08 to 1.09 Payslips

(ANNEXURE-L)

22.7.09 Representation

(ANNEXURE-M)



### P R A Y E R S

1. That the Hon'ble Tribunal be pleased to direct the Respondent Authorities to set aside and quashed the order dated 26.2.09 and 13.5.09 whereby superannuating the Applicant from service and serving papers of pension before the actual date of superannuation.

2. That the Hon'ble Tribunal be pleased to direct the Respondent Authorities to immediately reinstate the Applicant in his service without any delay.

3. That the Hon'ble Tribunal be pleased to direct the Respondents to verify the documents submitted by the Applicant for clarification on the date of birth and accordingly to retire him from service in the year 2012.

4. Cost of the application.

5. Any other relief/reliefs that the Applicant in the facts and circumstances of the case would be entitled to.

### INTERIM ORDER PRAYED FOR:

During the pendency of the application the Applicant prays for the following interim relief:

1. That the Hon'ble Tribunal be pleased to direct the Respondent Authority to setting aside the order dated 26.02.09 and 13.5.09.

Sh Bolo Ram Boro

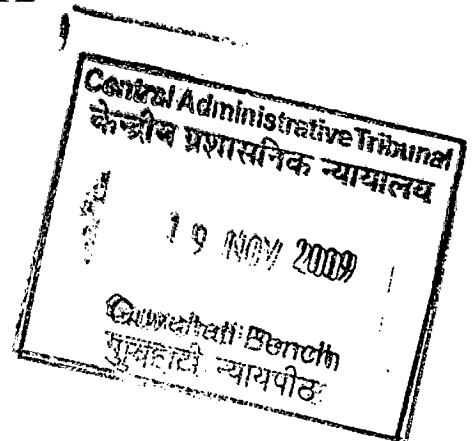
15

2. That the Hon'ble Tribunal be pleased to immediately reinstate the Applicant in his service without any delay pending disposal of the present Original Application.

---

Filed by:

Niva Sharma Thakuria.  
(NIVA SHARMA THAKURIA)  
ADVOCATE



Sh Bolo Ram Boro

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI  
(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 241/09

Filed by Advocate

Niva Sharma Thakuria

( N. S. Thakuria )

Date .....

Sh. Bolo Ram Boro

BETWEEN

Shri Bolo Ram Boro

S/O: Late Lakhi Ram Boro,

Vill: Bhitorkhula, PO: Kamalpur,

PS: Kamalpur, District: Kamrup, Assam

.....Applicant

-AND-

1. The Union of India,

Represented by the Secretary to the

Government of India, Ministry of Defence,

New Delhi. 11 0001

2. The Commandant,

Central Ordnance Depot, Chheoki,

Allahabad, Uttar Pradesh. 211 003

3. The Personal officer (Civil),

O O C (A),

Central Ordnance Depot, Chheoki,

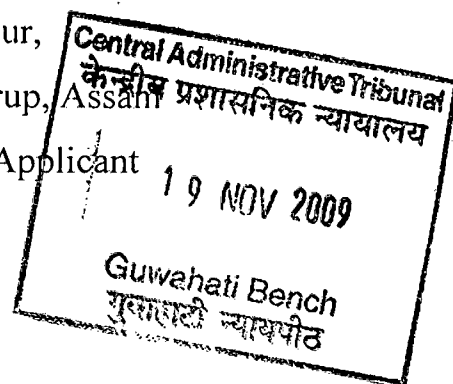
Allahabad, Uttar Pradesh. 211 003

4. Record officer,

A O C, Secunderabad-15,

Andhra Pradesh. 5403-500003

.....Respondents.



**DETAILS OF THE APPLICATION:**

**1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:**

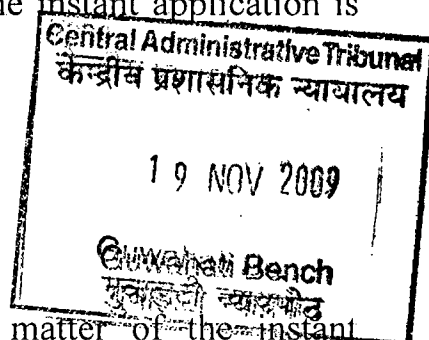
This application is made against the impugned order dated 26.02.09 issued by violating the Provision of Fundamental Rule 56 by the O O C(A) Personal Officer(Civil), Central Ordnance Depot, Chheoki, Allahabad, Uttar Pradesh whereby the Applicant has been served with copies of order of superannuation from service w.e.f, 28.02.2009 and thereafter served pension papers on 13.5.09 before the actual date of retirement.

**2. JURISDICTION OF THE TRIBUNAL:**

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

**3. LIMITAION:**

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed 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 he is entitled to all rights, protections and privileges as guaranteed under the Constitution of India.

4.2. That the Applicant was working as Foreman in the Central Ordnance Depot, Chheoki, Allahabad, Uttar Pradesh being No.6966491. The Applicant was initially appointed on 4.2.1972 as Vocal Mechanic in the one Advance Base Workshop, E M E, Narengi, Guwahati, Assam. In the year 1973, he

Sh. Balo Ram Bar

was appointed as Fitter in the aforesaid workshop and after serving there for three years as Fitter, then in the year 1976, he was transferred to 65 Core Ordnance Maintenance Prop., Ganganagar, Rajasthan. In the year 1983, he was transferred to 11 Field Ordnance Depot, Bhatinda, Punjab. Thereafter on 10.9.1987, he was transferred to Central Ordnance Depot, Chheoki, Allahabad, as Fitter and asked him to join there vide Office order No.C/No 451/Move/Est. (IP) dated 10.9.1987.

Copies of the Identity Card and order-dated 10.9.87 are annexed hereto as ANNEXURE-A & B.

4.3. That the Applicant accordingly joined there and served the Department to the satisfaction of all concerned. Due to his sincere and dedicated service, on 15.02.1997, he had received Certificate of Appreciation issued by the Commandant, Central Ordnance Depot, Chheoki, Allahabad.

A copy of the Certificate is annexed hereto as ANNEXURE-C

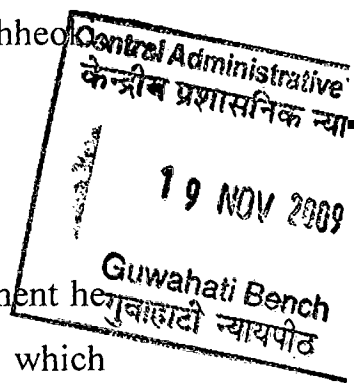
4.4. That at the time of joining in the duty in the Defence Department he produced his School Leaving Certificate to prove the date of birth, which was issued by the Head Master, Dorakahara Govt. Aided M E School, vide SI No.317 dated 31.12.1971. According to that certificate the date of birth of the Applicant was recorded by the Authority as 28.06.1952.

A copy of the School-leaving Certificate is annexed hereto as ANNEXURE-D.

4.5. That the applicant states that thereafter the Authority asked the Applicant to submit the details of his family along with their date of birth to the Commandant as per Govt. of India Ministry of Defence HOME No.F.9 (16)-EV (A) 63 dated 31 Dec 1963. The Applicant accordingly on 10.09.1992 submitted the details of his family along with their date of birth.

A copy of the said form is annexed hereto as ANNEXURE-E.

Sh. Balu Ram Boro

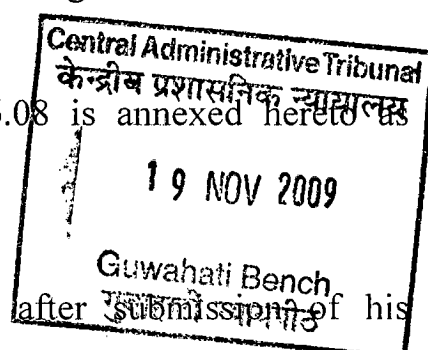


4.6. That the applicant states that thereafter on 19.04.2005, the seniority Rolls for the Charge man Grade-I and Charge man Grade-II was prepared and approved by the Authority vide Office order No.29860/Prom/Tech/Vol-82/CA-6 dated 19.4.05 in which the name of the Applicant was in serial Number 29 and his date of birth was shown in the said list as 28.6.1952.

A Copy of seniority list is annexed hereto as ANNEXURE-F.

4.7. That the Applicant states that the Commandant, Central Ordnance Depot, Chheoki, Allahabad, sent a letter to the Applicant whereby asked him to clarify the of date of birth vide No.120167/Estt-NI dated 27.6.08. Accordingly on 30.06.08, the Applicant submitted representation before the Commandant, Central Ordnance Depot, Chheoki, Allahabad, whereby he requested to rectify the date of birth quoted in his service records and submitted some documents in its support. The Applicant requested the Authority to rectify his date of birth in service records as 03.10.1952 instead of 28.6.1952. The Applicant also stated that according to the School record his date of birth is 03.10.1952.

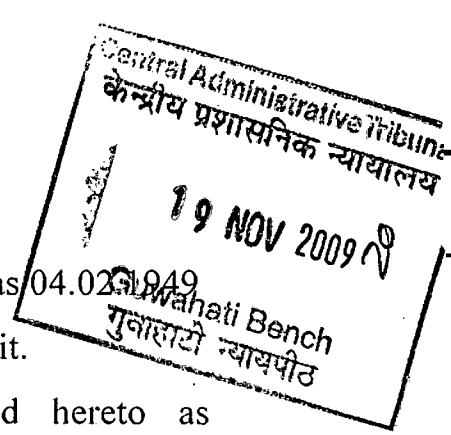
A copy of the representation-dated 30.6.08 is annexed hereto as ANNEXURE-G.



4.8. That the Applicant begs to state that after submission of his representation dated 30.06.08 along with all relevant documents to the Commandant, Central Ordnance Depot, Chheoki, Allahabad regarding clarification of his date of birth, the Respondent No.3, i.e, O O C (A), Personal officer (Civil), Central Ordnance Depot, Chheoki, Allahabad, started pressurizing him to write a letter to the Commandant whereby to state that his date of birth is not 03.10.1952 and to request the authority to correct the same as 04.02.1949. But the Applicant refused to do so on the ground that his date of birth is not 04.02.1949. But 04.11.08, the Respondent No.3 asked the Applicant to visit his Office and on being reached the Office, the Respondent No.3 forcefully took his signature in a typed letter where it was written as that the Applicant requested the Personal Officer (Civilian),

Sh. Bobo Ram Boro

Central Ordnance Depot, Chheoki, to correct his date of birth as 04.02.1949 which was recorded as 28.06.1952 and his has no objection in it.



A copy of the letter-dated 04.11.08, is annexed hereto as **ANNEXURE-H.**

4.9. That the Applicant states that on several occasions, he requested the Respondent No.3 not to take any action on the letter in which the Respondent No.3 forcefully took the signature of the Applicant. But the respondent No.3 refused to do so and misbehaved the Applicant and threatened him to take action against him.

Finding no alternative, on 15.11.08, the Applicant submitted representation before the Commandant, Central Ordnance Depot, Chheoki, Allahabad, stating how he was forcefully compelled by the Respondent No.3 to sign in a letter dated 04.11.08, wherein it was stated that the Applicant's date of birth was to be accepted by the Authority as 04.02.1949 and not as 28.6.1952.

A copy of the representation-dated 15.11.08 is annexed hereto as **ANNEXURE-I.**

4.10. That the Applicant states that after submission of the representation dated 15.11.08, he was with great hope expecting that the Commandant would take necessary steps on his representation and would definitely direct the Office not to accept the date of birth of the Applicant as 04.02.1949.

But the Respondent Authority instead of taking any action on letter-dated 04.11.08(in which the Applicant was forcefully compelled to sign by the Respondent No.3), on 26.02.09, he has been served with a copy of superannuation from service w.e.f, 28.02.2009 and on 13.5.09 pension papers were also served to him.

Copies all papers relating to superannuation and pension are annexed hereto as **ANNEXURE-J in series.**

4.11. That the Applicant begs to state that at the time of joining in the

*Sh. Balu Ram Boro*



service, he submitted the School Leaving Certificate issued by the Head Master, Dorakahara Govt. Aided M E School, vide Serial No.317 dated 31.12.1971 to prove the date of birth. According to that certificate the date of birth of the Applicant is 03.10.1952. But the Authority recorded it as 28.06.1952 and in all Official correspondences his date of birth was recorded as 28.06.1952.

The Applicant vide his representation before the Commandant, Central Ordnance Depot, Chheoki, Allahabad, requested to rectify the date of birth in service records as 03.10.1952 instead of 28.6.1952 quoted in his service records and submitted some documents in its support. The Applicant also stated that according to the School record his date of birth is 03.10.1952.

Copies of some official correspondences are annexed hereto as ANNEXURE- K in series.

4.12. That the Applicant states that though he had been compelled to sign in a letter dated 04.11.08 by the Respondent No.3, to accept his date of birth as 04.02.1949, even after that the authority used his old date of birth i.e, 28.06.1952 till the service of the copies impugned order of retirement to the Applicant.

Copies of pay slip are annexed hereto as ANNEXURE-L.

4.13. That the Applicant begs to state that the Respondent Authority even without going through his representation dated 15.11.08, superannuated him from service with effect from 28.02.09, in an arbitrary and hurried manner. Therefore the Respondent Authority has totally violated the Principle of Natural Justice.

4.14. That the Applicant begs to state that since his date of joining in the service, in all Official correspondences his date of birth was quoted by the Respondent Authority as 28.06.1952. He had also submitted all relevant documents to prove his date of birth. On 27.6.08, when the Applicant was

Sh. Bal Ram Boro

asked to clarify his date of birth by the Commandant, on 30.06.08, he submitted all relevant papers and requested the Authority to accept his date of birth as 03.10.1952 instead of 28.06.1952 on the basis of the School Certificate issued by the Head master of the School on 31.12.1971.

4.15. That the Applicant begs to state that in the month of July 2009, the Applicant again personally visited the Office of the Commandant and submitted representation on 22.07.09 whereby he stated everything and requested the Commandant to do justice to him by reinstating him in service. But the same did not yield any response.

A copy of the representation dated 22.07.09, is annexed hereto as ANNEXURE-M.

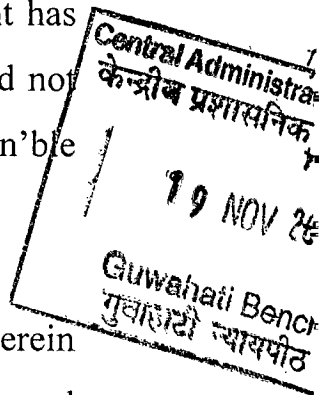
4.16 That till date the representation-dated 22.07.09 of the Applicant has not been disposed of and the Applicant is apprehending that he would not get justice. Therefore, he has been constrained to approach this Hon'ble Court seeking intervention of Your Lordships.

4.17 That in view of the facts narrated herein above, it is a fit case wherein Your Lordships would be pleased to stay the operation of the impugned order dated 26.02.09

Further, if the interim relief is granted, no one would be prejudiced. Otherwise Your Applicant stands to suffer irreparable loss and injury.

4.18 That in the event Your Lordships is pleased to pass an interim direction as has been prayed for, the balance of convenience would be in favour of the Applicant inasmuch as the Applicant is legally entitled to be in service till 2012 as his date of birth is 03.10.1952 and not 04.02.1949 and the Respondent Authority is duty bound to reinstate the Applicant in his post.

4.19 That it is stated that being the Defence department, the action of the Department is to be just, fair and reasonable and such authority cannot



Shri Balu Ram Boro

adhere to unfair procedure. Fair procedure is the essence and legitimate expectation of a citizen.

4.20. That Your Applicant begs to submit that the action on the part of Respondent are illegal, arbitrary malafide and hence not sustainable before the eye of law as well as in facts.

4.21. That Your Applicant begs to submit that the Respondents have acted arbitrarily, whimsically and without application of mind.

4.22. That Your Applicant begs to submit that the action on the part of the Respondent are in violation of the Fundamental as well as other Constitutional rights guaranteed under the Constitution of India.

4.23. That Your Applicant begs to submit that the issuing of impugned order of superannuation and service of pension papers in the name of the Applicant by the Respondents are improper, illegal, malafide and without any jurisdiction.

4.24. That this application is filed bonafide and for the interest of justice.

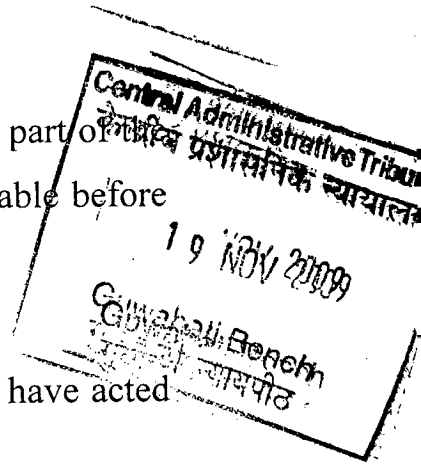
5. **GROUND FOR RELIEF WITH LEGAL PROVISION:**

5.1. For that the action on the part of the Respondent Authorities in issuing the order of superannuation and thereafter serving of pension papers before the actual date of retirement is bad in law as well as in facts.

5.2. For that after submission of all relevant papers to clarify the date of birth to the Respondent No.1, the authority is duty bound to verify the documents submitted by the Applicant before serving him with copies of order of superannuation.

5.3 For that after submission of representation by the Applicant dated on

Sh. Balo Ram Bora



15.11.08, before the Commandant, Central Ordnance Depot, Cheoki, Allahabad, stating how he was forcefully compelled to sign in a letter dated 04.11.08 by the Respondent No.3, wherein it was stated that his date of birth was to be accepted by the Authority as 04.02.1949 and not as 28.6.1952, the Respondent Authority is duty bound to verified the allegation submitted by the Applicant.

5.4. For that the action on the part of the Respondents in not allowing the Applicant to stay in service till 2012 in arbitrary, malafide and the interference by this Hon'ble Tribunal towards the redressal of grievance of the Applicant.

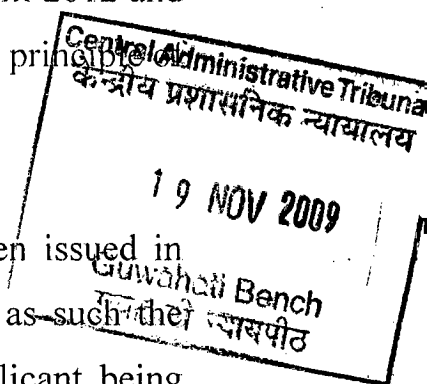
5.5. For that the action on the part of the Respondent Authorities in superannuating the Applicant before the actual date of retirement has violated the legal right of the Applicant that has accrued to him in terms of Provisions of Fundamental Rule 56 whereby it is stated that a Government servant shall retire from service at the attainment of age of sixty years and the Respondent Authorities are required to be directed to make amends to their said wrong action.

5.6. For that the Applicant is legally entitled to be in service till 2012 and superannuating from service w.e.f, 28.02.09 is in violation of the principle of Natural justice and administrative fairplay.

5.7. For that the order dated 26.02.09 and 13.5.09 have been issued in clear violation of the Provision of Fundamental Rule 56 and as such they same are incapable of being implementation against the Applicant being bereft of any legal force.

5.8. For that the Order dated 26.02.09 and 13.5.09 being illegal and arbitrary to the core of it are unsustainable in the eye of law and are required to be interfered with by this Hon'ble Tribunal towards setting aside and

Sh. Bolo Ram Boro



quashing of the same.

5.9. For that the Applicant has submitted all relevant documents to the Respondent no.2 and he also submitted representations to do justice to him by verifying the documents. But the Respondent Authority without going through his documents issued order of retirement and also served pension papers before the actual date of retirement and therefore the order dated 26.2.09 and 13.5.09 are liable to be set aside and quashed.

5.10. For that the Respondent Authority have violated the Provisions of Article 14, 16 and 21 of the Fundamental Rights guaranteed by the Constitution of India.

5.11. For that the Respondents have violated the Provision of Article 311 of the Constitution of India.

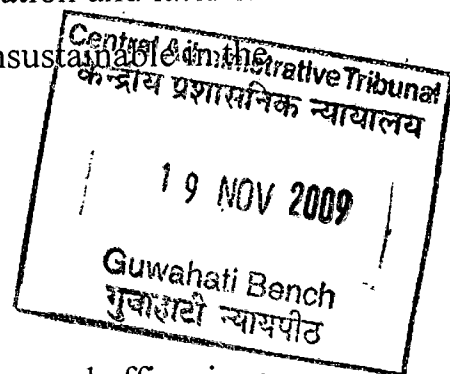
5.12. For that in any views of the matter the action on the part of the Respondent Authorities in serving him order of superannuation and later on the pension papers before the actual date of retirement is unsustainable in the eye of law.

6. **DETAILS OF THE REMEDIES EXHAUSTED:**

The Applicant declares that he has no other alternative and efficacious remedy, except by way of filing this application. As such he is seeking urgent and immediate relief(s).

7. **MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:**

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed



Sh. Balo Ram Boroi

before any other Court, authority or any other bench of the Hon'ble Tribunal nor any such application, Writ Petition or suit is pending before any of them.

8. **RELIEF SOUGHT FOR:**

Under the facts and circumstances stated above , the Applicant prays that this application be admitted , records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the Parties and on perusal of the records, be pleased to grant the following reliefs:

8.1. To direct the Respondent Authorities to set aside and quashed the order dated 26.2.09 and 13.5.09 whereby superannuating the Applicant from service and serving papers of pension before the actual date of superannuation.

8.2. To direct the Respondent Authorities to immediately reinstate the Applicant in his service without any delay.

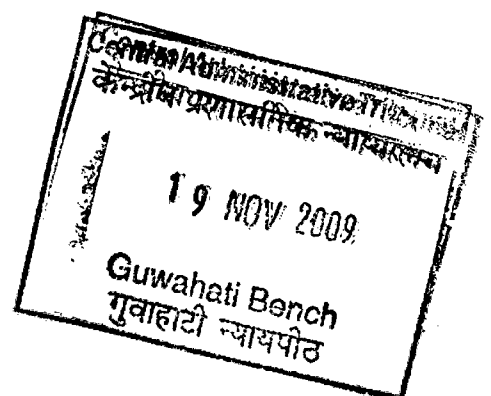
8.3. To verify the documents submitted by the Applicant for clarification on the date of birth and accordingly to retire him from service in the year 2012.

8.4. Cost of the application.

8.5. Any other relief/reliefs that the Applicant in the facts and circumstances of the case would be entitled to.

9. **INTERIM ORDER PRAYED FOR:**

In the facts and circumstances the applicant prays for the following interim direction:



Slr Bolo Ram Boro

9.1. To direct the Respondent Authority to setting aside the order dated 26.02.09 and 13.5.09.

9.2. To immediately reinstate the Applicant in his service without any delay pending disposal of the present Original Application.

10. Application is filed through Advocate.

11. PARTICULARS OF THE I P O:

i) I P O No. : 396 424441

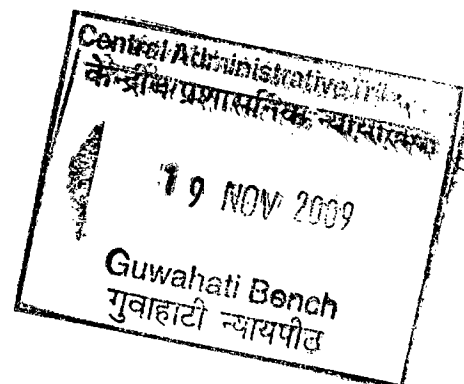
ii) Date : 16/9/09

iii) Payable at :

12. LIST OF ENCLOSURES:

As stated in the index.

.....Verification



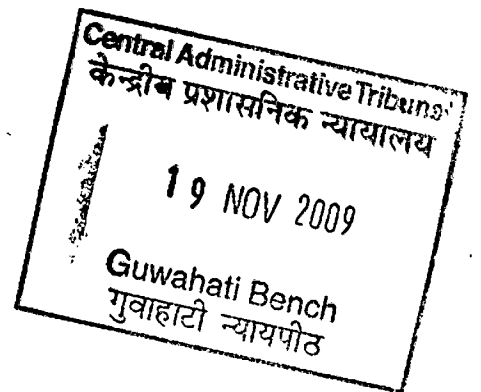
Sh. Bolo Ram Boro

VERIFICATION

I, Shri Bolo Ram Boro, S/O: Late Lakhi Ram Boro, aged about 57 years, resident of Vill: Bhitorkhula, PO: Kamalpur, PS: Kamalpur do hereby solemnly affirm and verify that I am the Applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph No 1, 2, 3, 4(1, 13, 14, 18), 5 to 12 are true to my knowledge; those made in paragraph Nos 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 and 4.15 are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the ~~18th~~ day of November 2009 at Guwahati.

Sh. Bolo Ram Boro





-14-

निजी नं. Personal No.	6966491	पास नं. PASS No.	D 007046
पूरा नाम Name in full	बोली राम बोरी	भारत INDIA	
ऊँचाई Height	5 फीट 4 इंच	जन्म तिथि Age	28/6/52
रोजगार का प्रकार Type of employment	असिस्टेंट फोरमैन	फोटो	
समय दिखाई देने वाले चिह्न Visible identification marks	बायीं तरफ तीने पर काला तिल,	हस्ताक्षर Signature	
बाएं अंगूठे का निशान Left thumb impression	अंकुश प्रीवास्त्व कप्तान सुरक्षा अधिकारी	संस्थापन Installation	केन्द्रीय आयुक्त छिवकी, इलाहाबाद दिनांक: 02 अगस्त 07 दस्तावेज: 2697509/6328

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायाधीश

Certified to be true

19 NOV 2009

N. S. Thakuriz  
Advocate

Guwahati Bench  
गुवाहाटी न्यायाधीश

MOVEMENT ORDER

1. P/No 101 Rank Fitter Name Bolo Ram Doro
2. You are posted on permanent duty to COD Chheoki on 10.9.87 (A/N) and struct of the strength of this depot wef ~~11-9-87~~ wef same date.
3. You are granted preparatory leave and joining time from 11-9-87 to 20.9-87 (including Sunday and holiday) and directed report to COD Chheoki on 21-9-87 (F/N).
4. You will ~~expens~~ travel at your own expense TA/DA and joining time is admissible to you and your posting is on mutual/ compassionate grounds turnover basis/ Promotion Can posting.

Authority:- AOC (R) letter No 29860/D/Tech/Vol-70/Adm(Civ) dt 23 Jun 87.

C/No 451/Move/Est(IP)

11 Yuth Shetra Ayudh Bhandar  
11 Fied Ordnance Depot  
C/o 56 APO

Dated 10 Sep 87.

P/No 101 Fitter Bolo Ram Doro

- As movement Order.

Copy to:-

Army Headquarters AG's Branch New Delhi-11  
OIC, AOC Records Secunderabad.15

As a completion report vide post posting order quoted at para 4 above.

COD, Chheoki-  
Allahabad

Please report arrival of the individual. His pay and alices upto 10-9-87 above paid been paid/claimed at the following rates:-

Basic Pay Rs. 1225-00 DA Rs. 98-00 MRA Rs.120.00 W/A Rs.16-00 Total-1459/-

RECOVERIES/DEDUCTION

GP Fund A/C No 561538 Subscription Rs.60/- PM CUEGIS @ Rs.20/- PM all recoveries made upto 31 Aug 87.

Date of birth- 28-6-52 Date of Appointment. 17-2-73. dated of increment 1-2-88 Non qualifying period. - His identity Card No 893255. has not been withdrawn

LEAVE AT CREDIT

EL Nil. SL Nil MPL--2 days C/L 7 days.

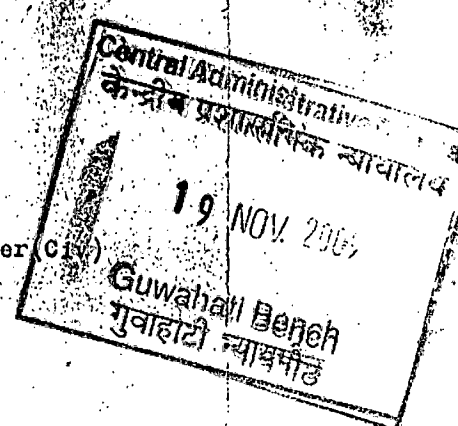
C.T.O

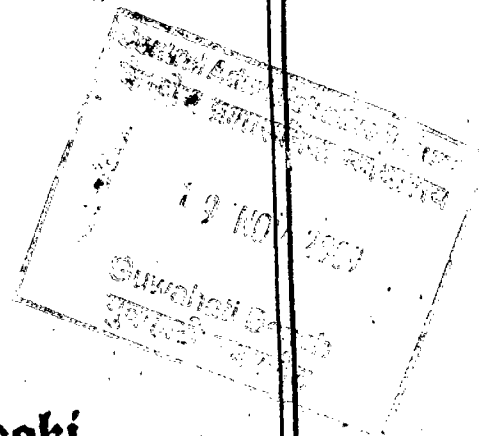
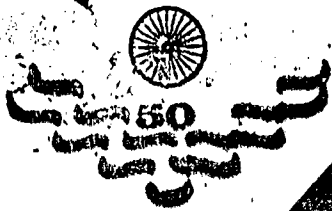
*[Signature]*

Commandant

certified to be true

N.S. Thakur  
Advocate





## Central Ordnance Depot, Chheoki

### Appreciation

*It has been brought to my notice that whilst carrying out the duties of Sp. Clerk You have displayed utmost dedication and professional competence of a very high order.*

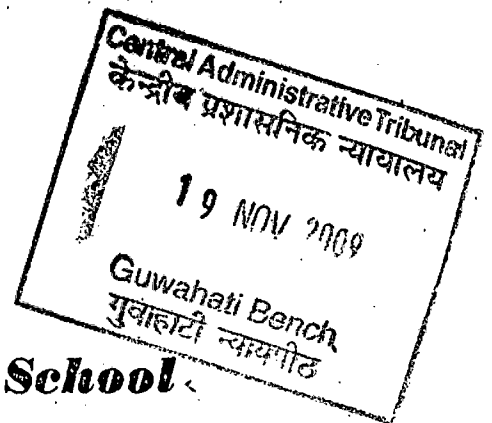
*Your selflessness, capacity for long hours of work honesty of purpose and integrity have rendered you worthy of my appreciation. This meritorious performance is in keeping with the finest traditions of Army Ordnance Corps.*

Chheoki

Date: 15 Feb 97

*[Signature]*  
Colonel  
Commandant

*Shri B. R. Boro P.No. - 6966491*



## Dorakahara Govt. Aided M. E. School

### TRANSFER CERTIFICATE

T/c No—

Sl. No.—

317

CERTIFIED that Shri Bolo Ram Baro son of  
Shri Lashi Ram Baro an inhabitant of Bhitarphola  
left the Dorakahara Govt. Aided M.E. School on 31-12-1970.  
His/Her age at that date according to the Admission Register was  
18 (eighteen) years 2 (two) months 28 (twenty eight) days

He/She was reading in class V/ (five) and had passed the  
Examination for promotion to class VII (seven)

All sums due by him/her have been paid viz. fees up to 31-12-70

Fines— XCharacter— GoodDated 31-12-1971

## Reasons for Leaving :

- 1) Unavoidable change of residence.
- 2) Ill health.
- 3) Completion of the school course.
- 4) Minor reasons.

[Signature]  
Headmaster

Dorakahara Govt. Aided M.E. School.

Dist. — KAMRUJ (ASSAM)

Dorakahara Govt. Aided M.E. School

P. O. Dorakahara Dist. Kamrup

Certified to be true

N. S. Thakuria  
Advocate

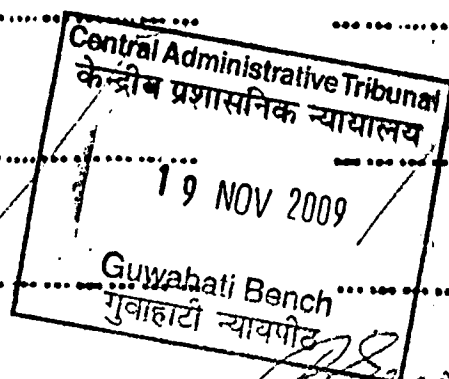
Detail of my family members as required Vide Govt of India Min  
of Def HOM No. F. 9 (16)—EV (A) 63 Dated 31 Dec 1963 are  
submitted as under

NAME

RELATIONSHIP

DATE OF BIRTH

Mr BR BORO	Self	28-6-52	40 $\frac{1}{4}$
Ms DEVESHVARY BALA BORO	wife	14-12-58	33 $\frac{3}{4}$
Mr NEEL KANTH CHANDRA BORO	Son	7-9-74	18
Ms ANITA BALA BORO	Daughter	12-6-78	14 $\frac{1}{4}$
Mr LAKSHI RAM BORO	Father	—	61 $\frac{1}{2}$
Mr GODEX BALA BORO	Nephew	—	55 $\frac{1}{2}$
Ms PROBITHA BALA BORO	Sister	10-2-74	18 $\frac{1}{2}$
Ms SUNITA BALA BORO	Daughter	15-6-86	6 $\frac{1}{4}$



Signature

Name ( BR BORO )

P. No. 6966491 Rank. e/man

Date. Sep 1972

Group &amp; Unit. VSD - e/m

COUNTER SIGNATURE

Group Officer. C. M. V. S. D.

Certified to be true.

N. S. Thakur  
Advocate

19-

35

1  
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विषय के न्यारे  
Particulars  
of  
Despatch

III

Tele. 27887226

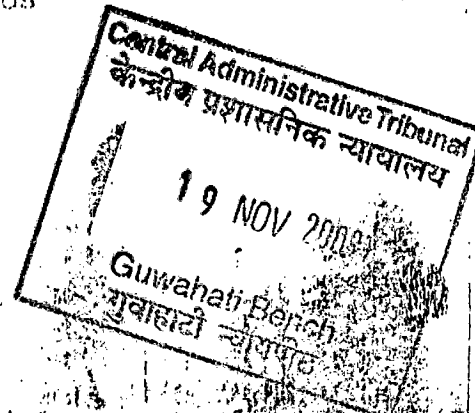
REGISTERED

Sena Ordnance Corps Abhilash Karyalaya  
 Army Ordnance Corps Records  
 Post Box No 03  
 Trimulgherry PO  
 Secunderabad 15

29860/From/Tech/Vol-82/CA-6

19 Apr 2005

The Gen Secy  
 The Gen Tech Persl Assn  
 Gautam Niwas - A-2/372  
 Sector-3  
 Rohini Delhi 110085

SENIORITY ROLLS : TECHNICAL SUPERVISORY STAFF

1. An up-to-date Seniority Roll as approved by DGOS in respect of the following categories are forwarded herewith for information:-

(a) Chargeman Grade I

(b) Chargeman Grade II

2. These seniority rolls will be brought to the notice of all concerned. Any inaccuracies/omissions noticed either by the units/individuals will be brought to the notice of this office by 31 May 2005. Queries/representations received after this date will not be entertained. Depot Commandants/OSC Units are requested to ensure that the particulars given in the seniority rolls are meticulously checked with the service documents of the individuals concerned and observations, if any made to this office within the specified time limit. All the observations, omissions and inaccuracies may please be sent in a consolidated form covering all personnel of your unit. Please also ensure that the reserved communities ie S/Caste and S/Tribe have been shown correctly in the seniority roll, any inaccuracies found the same may please be reported to this office alongwith the letter number under which their certificates have been forwarded to this office for our further action.

3. Please ack receipt.

(Sagar Sharma)  
 Major  
 Senior Record Officer  
 for OIC Records

Encl: As above  
 Copy to :-

Dte Gen of Ord Services (OS 8C) - for info wrt Army HQ A/23733/OS-8C (11)  
 Master Gen of Ord Branch  
 Army Headquarters  
 DHQ PO New Delhi - 11  
 dt 13 Jan 05, Signal No A/23733/OS-8C  
 dated 01 Mar 05 and letter No  
 A/23733/Tech Supr/OS-8 (11)  
 dated 04 Apr 2005.

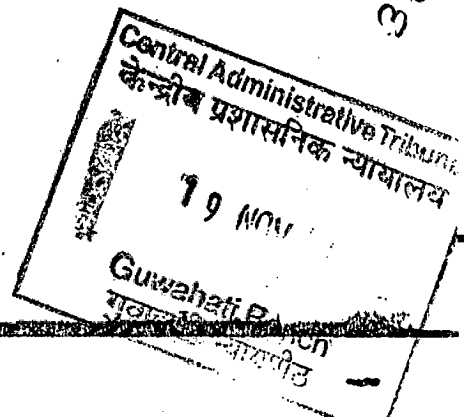
✓ MGS AOC All Commands,

&  
 Gen Secretary  
 Ord Tech Persl Assn (Non-Industrial), Gautam Niwas, A-2/372/Sector-3  
 Rohini, Delhi - 110085

Certified to be true.

N. S. Thakur.

Advocate

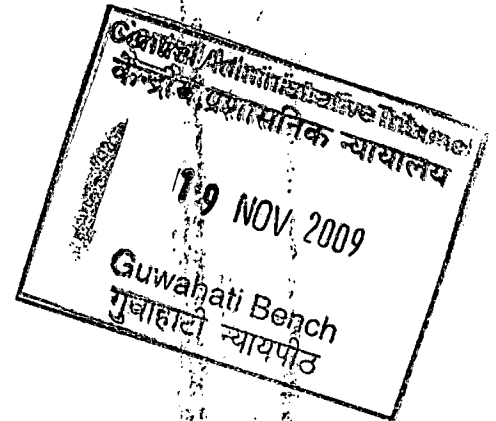


SENIORITY ROLL : CHARGEMAN GDE-I

09/09/2003 Page : 1

Personal No.	Name (Sarvashri)	Birth	Inl Appt	Sr C/MAN	CM Gde-I	Previous Trade	Unit/Depot
1. 6958657	EK RAMAKRISHNAN	30 Nov 43	28 Nov 63	30 Oct 72	01 Aug 85	Carp & Jnr	CAFVO KIRKEE
2. 6960071	VK KAPOOR	06 Dec 43	06 Dec 62	04 Apr 82	01 Jan 88	Packer Spl	COD KANPUR
3. 6958694	KANWAL SINGH (SC)	01 Jul 45	01 Jun 64	01 Aug 81	01 Feb 88	Carp & Jnr	OD SHAKURBASTI
4. 6961084	RS HIGVAL (ST)	08 Feb 45	29 Dec 67	01 Jan 85	01 Jul 90	Carp & Jnr	COD JABALPUR
5. 6958833	CHHEDI LAL (SC)	10 Nov 43	28 Nov 63	01 Nov 82	01 Jan 92	Sawyer	COD AGRA
6. 6962057	ISHWAR CHAND (SC)	14 Apr 44	09 Apr 63	01 Jan 85	01 Jun 93	BTC Smith	OD ALLAHABAD
7. 6961562	RAGHU NATH SINGH	11 Jul 44	08 Feb 63	01 Mar 86	01 Jan 94	BTC Smith	COD AGRA
8. 6962451	JASWANT SINGH ARYA	05 Jan 44	05 Mar 63	01 Mar 86	01 Feb 94	Carp & Jnr	COD DELHI
9. 6962731	J KRIPA KARAN (SC)	06 Jul 45	17 Jan 64	01 Mar 86	01 Feb 94	Carp & Jnr	COD CHHEOKI ✓
10. 6963866	NIROTI LAL (SC)	01 Jun 45	20 Aug 64	02 Jun 87	01 Jan 95	Ptr & Dectr	COD AGRA
11. 6964518	MUNNA LAL (ST)	15 Jul 44	21 Jul 69	02 Jun 87	01 Feb 96	Carp & Jnr	COD AGRA
12. 6963358	PUSSA KHALKOO (ST)	18 Jun 44	23 Sep 64	02 Jun 87	01 Jul 96	Ptr & Dectr	COD JABALPUR
13. 6964174	RANGOPAL SHARMA	14 Jul 44	05 Mar 65	02 Jun 87	01 Jul 96	Ptr & Dectr	COD AGRA
14. 6963947	GURBACHAN SINGH	12 Sep 44	18 Nov 63	01 Jan 88	01 Jan 97	Taller	SDE REPAIR TEAM
15. 6964363	MO ABDOUL GANI	28 Jan 48	31 Oct 66	01 Jan 89	01 Feb 97	Washerman	OD SHAKURBASTI
16. 6964556	AB PONNAPPA (ST)	29 Jun 44	14 Dec 64	01 Jan 89	01 Apr 97	Packer Spl	COD DELHI
17. 6965643	JS NEGI	12 Nov 53	21 Jul 72	01 Jan 90	01 Jun 99	Carp & Jnr	CVD DELHI
18. 6966027	AK MAZUMDER	17 Jul 45	17 Jul 65	01 Jan 90	01 Jun 00	Packer Spl	COD KANPUR
19. 6965880	MANGAL PRASAD (SC)	05 Dec 46	01 Jan 70	01 May 90	01 Jul 00	Compositer	COD JABALPUR
20. 6965796	BHERJ SINGH	09 Dec 47	09 Dec 71	01 Jan 91	01 Sep 00	Packer Spl	6 FOD
21. 6965795	ABDOUL SALAM	11 May 44	10 Sep 64	01 Jan 91	01 Jan 01	Saddler	COD KANPUR
22. 6965750	KI VERGHESE	27 Apr 49	12 Feb 72	01 Jan 91	01 Jan 01	Packer Spl	CAFVO KIRKEE
23. 6966372	KR NAIR	16 May 45	16 Mar 63	15 May 68	01 May 01	Carp & Jnr	CAFVO KIRKEE
24. 6966017	DURGA PRASAD	06 Dec 43	06 Dec 62	01 Mar 91	01 May 01	Carp & Jnr	COD KANPUR
25. 6966335	KANJIT SINGH	25 Oct 45	01 Apr 64	01 Jan 92	01 Sep 01	Carp & Jnr	COD AGRA
26. 6966400	ML DHAR	01 Oct 47	23 Aug 70	01 Jan 92	01 Dec 01	Carp & Jnr	VD PANAGARH
27. 6966467	NC ROY	11 Jun 44	09 Nov 64	01 Jan 93	01 Jan 02	Carp & Jnr	VD PANAGARH
28. 6966556	SB CHAKRABORTY	01 Mar 52	09 Dec 70	01 Jan 93	01 Jan 02	Carp & Jnr	CVD DELHI
29. 6966491	BALO RAM BARO (ST)	28 Jun 52	17 Feb 73	01 Jan 93	01 Jan 02	Ptr & Dectr	COD CHHEOKI ✓
30. 6966506	KULDEEP CHAND	27 Oct 43	06 Jun 68	01 Jan 93	01 Mar 02	Sawyer	COD AGRA
31. 6966706	KRISHAN LAL (SC)	18 Mar 50	18 Mar 72	01 Feb 93	01 Mar 02	BTC Smith	OD SHAKURBASTI
32. 6966584	MOHD KALOO MIA	25 Jan 46	21 Jan 60	01 Apr 93	01 Mar 02	Boiler Attendan	COD CHHEOKI ✓





To,

The Commandant  
COD Chheoki

Through proper channel

**RECTIFICATION OF WRONG DATE OF BIRTH  
IN SERVICE DOCUMENT**

Respected Sir,

1. Please ref to your letter No 120167/SB/Estt-NI dated 27 Jun 2008
2. With due respect and humble submission, I submit the following docs for rectification of wrong date of birth quoted in my service document:-

- (a) Photo copy of School Transfer Certificate of Dorakabara Govt Aided ME School duly attested.
- (b) Photo copy of my Identity Card issued by COD Chheoki.
- (c) Photo copy of my CGHS Card issued by COD Chheoki.
- (d) Photo copy of LIC policy.

3. As per School transfer Certificate, I had left the School on 31 Dec 1970 and at that time my age was 18 Years 2 months and 28 days as per School's record. As such my date of birth is 03 Oct 1952 as under:-

- (a) Date of School leaving - 31-12-1970
- (b) Age on the date of School leaving - 28-02-0018 means 18 Yrs 02 Month 28 days (at the time of School leaving)
- (c) Actual date of birth as per School Certificate - 03-10-1952

4. As per Identity Card and CGHS Card my date of birth is 28 Jun 1952

5. In view of the above I request your kind honour to complete my documents duly rectified my date of birth as per attached docs. However the date of birth 28 Jun 1952 as shown in Identity Card and CGHS Card is also acceptable to me.

6. Thanking you in anticipation.

Yours Faithfully

Dated: 20 Jun 2008

*Recommended and sent*  
*N. S. Thakuria*  
*30 Jun 2008*

*Bolo Ram Boro*  
(Bolo Ram Boro) 30/6  
P. No-6966491  
Rank- A/For Man  
Sub Depot - VSD

Certified to be true.

N. S. Thakuria

Advocate

To,

The Pers Officer (Civ )  
COD Chheeki

( Through Proper Channel )

REQUEST FOR CORRECTION IN DATE OF  
BIRTH RECORDED IN SERVICE BOOK

Respected Sir,

1. I wish to submit that at the time of my initial appointment my age was assessed by the Medical Officer and was required to be computed accordingly for recording on the Service book. As I have come to know that in accordance with the assessment of Medical Officer it should have been 04 Feb 1949 whereas it was recorded 28 Jun 1952.

2. Sir, I declare that I have No objection if the same is rectified now on the Service Book and other related documents please. I accept my date of Birth as 04 Feb 1949.

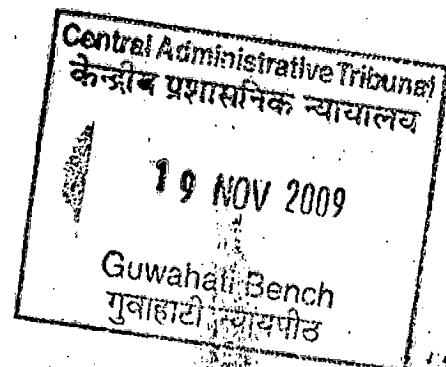
--Thanking You,

Your's faithfully

Date : 04-11-08

( Polo Ram Pore )  
P.No. 6966491  
Rank - Foreman  
VSD, COD Chheeki

*Received  
20/11/08  
04-11-08*



Certified to be true.

N. S. Thakur  
Advocate

True Copy

ANNEXURE-I

To

The Commandant,  
C O D, Chheoki, Allahabad



Subject: Date of birth

Respected Sir,

With due respect I beg to state you the following few lines fro your kind consideration:

I. That Sir, at the time of appointment in this Department I submitted one School Leaving Certificate where my date of birth was shown as 03.10.1952 and it was recorded in all Official documents/correspondence as 28.6.1995.

II. That Sir, on as your letter dated 27.06.08, I submitted one representation requesting to rectify my date of birth on the basis of the School Leaving Certificate.

III. That Sir, on 04.11.08, Personal Officer (Civilian), Central Ordnance Depot, Chheoki, forcefully took my signature in a paper where it was written as that I requested him to accept my date of birth as 04.02.1949.

IV. That Sir, my date of birth is 03.10.1952 as per my last School Leaving certificate and not 04.02.1949 and the signature taken on the paper dated 04.11.08 was taken forcefully and against my will and it is known our Office staff.

Therefore, I request you kindly to take necessary action and to accept my date of birth as 03.10.1952.

Yours faithfully,

Sd/- Bolo Ram Boro.

15.11.08.

Certified to be true

N. S. Thakuria  
Advocate

TO WHOM IT MAY CONCERN

Certified that P.No. 6966491 Rank Foreman

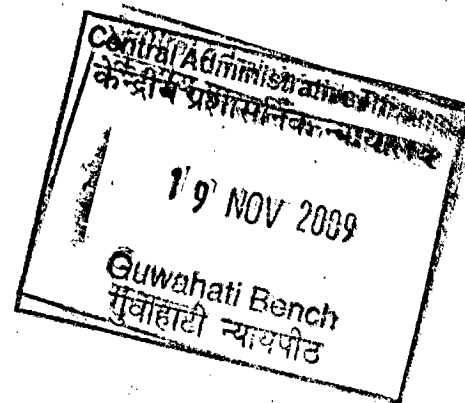
Name Shri B R Boro residence of Vill - Bhaler Khola  
Kamrup (Assam)  
Post-Deza Kahara, Distt Kamrup has been retired  
 on 28-2-2009. His CGES Card No 13247  
 has been withdrawn.



Station : COB Chhooki

Dated: 16 Feb 2009

( SP Singh )  
 COC(A)  
 Pers Officer (Civ)  
 for Commandant



certified to be true

N. S. Thakuria  
 Advocate

CLEARANCE CERTIFICATE

(To be completed before proceeding on Permanent Posting/Retirement/Discharge etc)

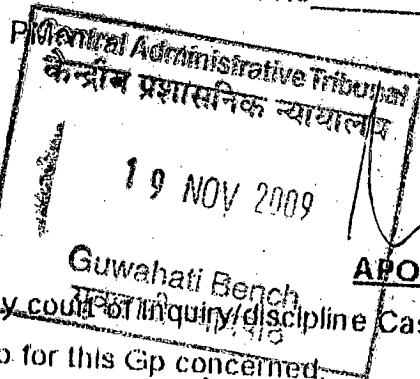
P.No 6966491 Rank Fore Man Name Bolo Ram Boro1. Handed over in possession of Depot Pass bearing No Doo 7046 dt 02 Aug 07

Sig of ISO

I/C Liby Sec

2. Returned the books and Liveries (in case of IV Class Only)

3. (a) Paid of all dues.

(b) Paid of Pay & Allowances upto and for 28/2/09 at the following rates:-Basic Pay Rs 15950 Grade Pay Rs 4600 DA Rs 3288HRA Rs 4110 Spl Pay Rs - TA Rs 928Total Rs 28876 Adv of LTC/TA Rs NO DUESRECOVERIESGPF Subs Rs 8400 GPF A/C No 581538 Festival Adv Bal Rs NIL and  
recoveries @ Rs - PM Cycle Adv Bal Rs - S/Adv Bal Rs -CGEGIS Rs 30 CGHS Rs 150Bank Loan Clerk NO RECOVERYMedical Clerk NILLWF Loan Clerk NO DUES

APO (Fin)

4. (a) He is not involved or likely to be involved in any court of inquiry/discipline Case.  
(b) Nothing is outstanding against the individual so for this Cp concerned.  
(c) Handing/Taking over certificate rendered.

Sub Depot Cdr/Gp Officer

5. Leave at Credit EL 16 HPL 04 CL - days.The individual is being SOS wef 28 Feb 2009 and all absence has been regularised and nothing is outstanding against the individual.Date of Birth 04 Feb 1949Date of Appointment 17-2-1973Date of Last Increment Jul 08

Pers Officer (Cly)

6. Accounts finally settled:-

(a) Secretary Co-Operative Society (Ind)

(b) Secretary Co-Operative Society (NI)

NO DUES

7. No dues Ration Card has been withdrawn

8. CGHS Card No 13247 withdrawn.

CGHS Clerk

SLO/CLO

Contd.....P/2

The following is a copy of the original document submitted.

LOCAL ADDRESS

Shri B R Boro. C/O Amrit Lal Kesarwani.  
3 Vinova Nagar.  
Naini. ADA Road. Allahabad

PERMANENT ADDRESS

Shri B R Boro  
Village: Bhitarkhola P.O Derakahara P.No. 781101  
Distt. Kamrup (Assam)

FAMILY DETAILS

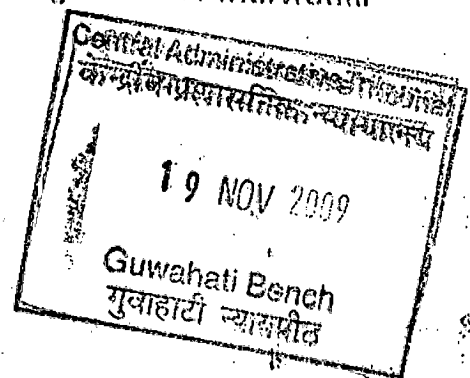
Srl No	Name	Relation	Date of Birth
1.	Shri Bolo Ram Boro	Self	04-2-1949
2.	Smt Deveshwari Balo Boro	Wife	14-12-1958
3.	Km Sunita Balo Boro	Daughter	15-6-1986
4.			

*B R Boro*  
Signature of Individual

Verified by Documents Clerk:

COUNTERSIGNED

*[Signature]*  
Pers Officer (G.O.)  
28-2-2009



certified to be true.  
N. S. Thakur  
Advocate

# CIVIL PENSION (MEMO)

REGISTERED & ENSURED FOR Rs. 50/- ONLY

No. EDP/C/

OFFICE OF THE PCDA(P)

ALLAHABAD

DATED :

TO : CMDR CDR CHHEDI, ALLAHABAD

SUB : Payment of Pension/Grauity in respect of

BOLO RAM BORO  
FOREMAN

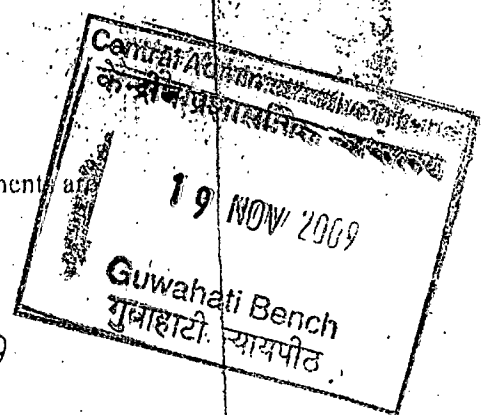
Ref: Yours No.

DATED :

- (I) PPO No. C/AUC/16165/2009  
(Original, H.O.O. & Individual copy)
- (II) I.A.F.A. 376
- (III) Pensioner's Photograph
- (IV) Specimen signatures, And  
Thumb/Finger Impressions  
of the Pensioner

The marginally noted document are  
forwarded herewith

13 MAY 2009



2. With a view to ensure that no spurious PPO/Paper reaches the pension disbursing authority and to prevent fraudulent payment, the aforesaid PPO and other documents may please be rechecked as required vide Ministry of Defence letter No. 11 (33)50/244/S/D(CIV-II) dated 10-11-59 and the original of PPO and connected documents transmitted to the P.D.A under advice to the pensioner.
3. In case any error in PPO is noticed, the PPO may not be returned to this office. It may be retained and the proposed amendment and document in support thereof should be sent to enable this office to make necessary amendment through a corrigendum PPO.
4. An income tax statement showing taxable income received/receivable by the individual along with detail of deduction permissible for income tax rebate may please be attached with the PPO for transmitting the same to the P.D.A., if it exceeds the taxable limits.
5. Please recheck that all the demands have been adjusted against amount of D.C.R.G. If on a Check, it transpires that some demands have been omitted by us, full details thereof may be intimated to us by Reg. Post for issue of suitable corr. PPO and in the meanwhile, the PDA may be requested not to release the amount of D.C.R.G.
6. Any demand coming to notice within a period of 3 months from the date of casualty after transmission of the PPO to the PDA should be communicated by Regd. Post to this office under intimation to the PDA concerned who should be requested not to release the withheld amount of D.C.R.G. It may be noted that the withheld amount of D.C.R.G. for unassessed dues is required to be released by the PDA automatically, that is, without any instructions from us after expiry of 6 months from the date of retirement etc. of the individual. Thereafter, no recovery can be ordered from pension without the consent of the pensioner. The demand, if any, coming to notice after the above stipulated period will have to be regularised by your office directly.
7. The provisional awards in the above PPO will also be treated as automatically final, that is, without any instructions from us, after expiry of 6 months from the date of retirement etc. of the individual, unless in the meanwhile, the awards are revised. In case any change in awards is considered necessary, the matter may please be referred to us with full details, citing references to this memo and the above PPO.
8. Employees proceeding on voluntary retirement under rule 48A CCS (P) rules 1972 should apply for commutation of pension after expiry of notice period and not before that.

certified to be true.

N.S. Thakur  
Advocate

Applications for commutation of pension before expiry of notice period is in contravention of the provisions of rule 48CCS (P) rules 1972. As such you are advised to forward fresh application for commutation along with revised data sheet duly completed.

Please acknowledge receipt.

S.O. (A)/AAO

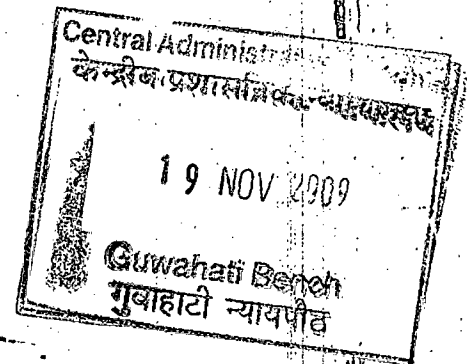
Registered /A.D.

Copy To :

SRI/BET POLO NAM ROPD  
VILL KHITER KHOLA POST DENA NARAYAN DIST  
KANKUP ASSAM

- (I) He/She has been granted the following pensionary awards. He/She is requested to contact the pension disbursing authority after receipt of intimation from head of office regarding transmission of his/her pension papers to the P.D.A. and to address all the future correspondence to the head of office.

(I)	Pension before commutation (P.M.)	Rs.	10275	From 1/ 3/2009
(II)	Portion commuted	Rs.	4110	
(III)	Residual pension	Rs.	5155	
(IV)	D.C.R.G. (Gross amount)	Rs.	413672	
	Less			
A.	Demands Rs.	Rs.	3	
B.	Amount withheld for adjustment towards Unassessed Dues	Rs.	1000	
	Net Amount payable on account of D.C.R.G.	Rs.	412672	
(V)	Capitalized value	Rs.	404129	
	Less balance demand Rs. =		Nil	
	Net capitalized amount to be paid Rs.		404129	



- (VI) Family pension :
- |    |               |     |       |      |
|----|---------------|-----|-------|------|
| A. | Enhanced Rate | Rs. | 10275 | P.M. |
| B. | Normal Rate   | Rs. | 5155  | P.M. |
- (VII) Fixed medical allowance @ Rs. 100/- P.M. is payable in addition.

- (2) If at any stage the PPO is reported to have been lost by the PDA, the PDA may be requested to furnish a loss certificate in the prescribed form to enable this office to issue a duplicate copy in lieu thereof.

Note : Relief on pension/Family Pension is also payable as admissible from time to time.

BATCH-NO: 0375  
SL-NO: 00001

S.O. (A)/AAO



in series

सं० नं०  
Ser No A-2008 82

सेना निवृत्ति पहिचान पत्र  
PENSIONERS IDENTITY CARD

भारत सरकार  
GOVERNMENT OF INDIA

रक्षा मंत्रालय  
MINISTRY OF DEFENCE

सेना आयुष कोर  
ARMY ORDNANCE CORPS

नाम/Name PERCECURE LOFER (CIV)

पिता/Sr LATE LR BERG

पता/Address VILL-BHITER KHOLA  
POST- DERA KAHARA  
DIST- KAMRUP (ASSAM)

फोन नं०/Tele No. \_\_\_\_\_

ब्लड ग्रुप/Blood Group \_\_\_\_\_

मैं इनके सुखी व समृद्ध सेवा निवृत्ति जीवन की कामना करता हूँ।  
I wish him a happy and prosperous retired life.

Commandant \_\_\_\_\_

COD Chheoki

Dated Feb 9, 2008

हस्ताक्षर कार्ड होल्डर  
Signature of the  
Card Holder

टीओ पीओ नं०/ग्रुप, ब्रांच  
T/P No. GP, Br 6966491  
पद Post Held Foreman  
नाम Name Shri BR Boro  
जनन तिथि Date of Birth 04-2-1949  
मजदूरी की तिथि  
Date of Appointment 04-2-1972  
सेवा निवृत्ति की तिथि  
Date of Superannuation 28-2-2009  
वेतन प्रेमी / Pay Scale 9300-34800/-  
बर्तमान वेतन बोधक परिलिखित है/ Pay 46000/-  
Last Pay average emolment 20550/-  
बहुक सेवा Qualifying Service 7 m d.  
पीओ पीओ बोरो नं० / तिथि 37 - 25  
PPO No / Date 41304/16/65/2009

:- सूचना / Note :-

काई यो नमने हो । ता रे फादकणी ईदे अह हाय स  
नवरे कमाण्डर मीण जो एड डिप्टी ती मे दे रा तवा करे हे ।  
In the event of loss of this card holder  
may Post Hand over the same to the  
issuing office Commandant.

COD Chhatra, Alwarabad-212101

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
10 NOV 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

**certified to be true.**

N. S. Thakur

Advocate

रक्षा लेखा नियंत्रक (निधि) मेरठ कैन्ट  
CONTROLLER OF DEFENCE ACCOUNTS (FUNDS)  
रक्षा लेखा विभाग/Defence Accounts Department  
रक्षा मंत्रालय/Ministry of Defence

रक्षा लेखा विभाग/Defence Accounts Department  
रक्षा मंत्रालय/Ministry of Defence

02

Central Adm  
के अंतर्गत

Administrative Tribunal  
नेक न्यायालय

19 May 2009

Guwahati  
गुवाहाटी

inch

YEAR वर्ष 2007-2008

कै लिये सा०म०नि० रे०से०के० लेखे का विवरण ध्याज की दर ०.४%

प्रति यत्

GPF-DS STATEMENT OF ACCOUNTS FOR THE YEAR 2007-2008

RATE OF INTEREST 08%

PER ANNUM

रॉलेनिं CDA	यूनिट UNIT	नाम NAME	लेखा संख्या ACCOUNT NO.
22	2601 C.O.D	BR BORO	381538F
	अप्रैल 04 APR 04	मई 05 MAY 05	जून 06 JUN 06
	जुलाई 07 JUL 07	अगस्त 08 AUG 08	सित्तं 09 SEP 09
	अक्टू 10 OCT 10	नवंबर 11 NOV 11	दिसंबर 12 DEC 12
	जनवरी 01 JAN 01	फरवरी 02 FEB 02	मार्च 03 MAR 03
संविधान SUBSCRIPTION	7000	7000	7000
प्रतिपाद्य REFUND	7000	7000	7000

धर्म के दौरान निकासी का विवरण DETAILS OF WITHDRAWALS DURING THE YEAR

माह प्रकृति राशि MM. NATURE AMT	माह प्रकृति राशि MM. NATURE AMT	माह प्रकृति राशि MM. NATURE AMT	माह प्रकृति राशि MM. NATURE AMT	माह प्रकृति राशि MM. NATURE AMT	माह प्रकृति राशि MM. NATURE AMT	आदि शेष OPENING BALANCE
			1			147114

### सारांश SUMMARY

अभिवान SUBSCR- PTION	प्रतिदाय REFUND	निकारी WITH- DRAWAL	ब्याज INTEREST	कुल जमा TOTAL CREDITS	84000
धालु CURRENT बकाया DUE	84000		15369	अर्जित ब्याज INT. GENERATED	15369
शब्दों में अन्त शेष CLOSING BALANCE IN WORDS				कुल डेबिट TOTAL DEBITS	
RUPEES TWO LAKH FORTY EIGHT THOUSAND SIX HUNDRED AND EIGHTY THREE ONLY				जन्म BIRTH माह वर्ष MM/YR	अन्त शेष CLOSING BALANCE
				06/1952	248683

प्रथम नाम निदेशिति / निदेशितों का नाम  
NAME OF FIRST NOMINEE (S)

## सम्बन्ध RELATION

અંશ (પ્રતિશત)  
" SHARE" (%)

DEVESHAWRI BALA BORO

W

100

दिनांक DATE

4. 4

IF DOB NOT OK, SUBMIT CORRECT DOB THRU PAY AUDIT OFFICE.

23/05/2008

रक्षा सेवा सहायक/उप नियंत्रक (निधि) / ASST/DY. CDA (FUNDS)

**Certified to be true**

N. S. Thakur  
Advocate

Administrative Tribunal  
केंद्रीय प्रशासनिक न्यायालय  
519 NOV 2009  
Guwahati Bench  
गुवाहाटी न्यायालय

Jt. C.D.A. (FUNDS) MEERUT CANTT. / संयुक्त रक्षा लेखा नियंत्रक (निधि) मेरठ कैंट

YEAR वर्ष 2002-2003 के लिये सांभाले गये लेखों का विवरण ब्याज की दर 9.00% प्रति वर्ष												
GPF-DS STATEMENT OF ACCOUNTS FOR THE YEAR 2002-2003 RATE OF INTEREST 9.00% PER ANNUM												
रॉलेट नं० CDA	यूनिट UNIT					नाम NAME					लेखा संख्या ACCOUNT NO.	
22	2601 C.O.D					BR BORO					581538F	
	अप्रैल 04 APR 04	मई 05 MAY 05	जून 06 JUN 06	जुलाई 07 JUL 07	अगस्त 08 AUG 08	सित० 09 SEP 09	अक्टू० 10 OCT 10	नव० 11 NOV 11	दिस० 12 DEC 12	जनवरी 01 JAN 01	फरवरी 02 FEB 02	मार्च 03 MAR 03
अभिवान SUBSCRIPTION	3000	3000	3000	3000	3000	3000	3000	3000	3000	3000	3000	3000
प्रतिवाप REFUND												
वर्ष के दौरान निकासी का विवरण DETAILS OF WITHDRAWALS DURING THE YEAR												
माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT	माह राशि प्रकृति MT. N. AMOUNT
सारांश SUMMARY										आदि शेष OPENING BALANCE		
	अभिवान SUBSCRIPTION	प्रतिवाप REFUND	निकासी WITHDRAWAL	ब्याज INTEREST	कुल जमा TOTAL CREDITS 36000							
घात CURRENT	36000				अर्जित ब्याज INT. GENERATED 5454							
बकाया ARREAR					कुल शेष TOTAL DEBITS							
शब्दों में अन्त शेष CLOSING BALANCE IN WORDS										जन्म BIRTH माह वर्ष MT/YR		
RUPEES EIGHTY TWO THOUSAND FIVE HUNDRED AND FIFTY NINE ONLY										06/1952		
प्रथम नाम निर्देशित / निर्देशित का नाम NAME OF FIRST NOMINEE (S)										अंश (प्रतिशत) RELATION SHARE (%)		
DEVESHAWRI BALA BORO										W 100		
दिनांक DATE										वीर सिंह मेहता भा.र.ले.नं० उप नि.नं० (प्रशा.नं०) क्र. 10/1/2003 सं. 10/1/2003		
08/07/2003										र० ले० उपनियंत्रक (प्रशासन) (निधि) / DY. CDA (AN) (Funds)		

# INCOME TAX PAN SERVICES UNIT

(Managed by National Securities Depository Limited)

4<sup>th</sup> Floor, 'A' Wing, Trade World, Kamala Mills Compound, S. B. Marg,  
Lower Parel, Mumbai - 400 013.

आयकर विभाग  
INCOME TAX DEPARTMENT

भारत सरकार  
GOVT. OF INDIA

BOLO RAM BORO

LOKHI RAM BORO

28/06/1952  
Permanent Account Number

AKRPB8164B

*[Signature]*  
Signature

*[Photo]*  
24052006

The Income Tax Department takes pleasure in informing that the PAN allotted to you is :

**AKRPB8164B**

and the PAN card is enclosed herewith. Further, for filling the return of income, please contact :

**ADL/JCIT( 1), ALLAHABAD**

Quoting of PAN on return of income and challans for payment of taxes is necessary to ensure accurate credit of taxes paid by you and faster processing of return of income. Moreover, quoting PAN on all other communications with the department will help to improve taxpayer services.

We may inform that it is mandatory to quote PAN in several transactions specified under the Income Tax Act, 1961. For further details of such transactions, reference is invited to rule 114B of the Income Tax Rules, 1962 read with section 139A of the Income Tax Act, 1961.

In the unlikely event of more than one PAN being allotted, this fact should be brought to the notice of your Assessing Officer, as possessing or using more than one PAN is against law and may attract penalty of upto Rs. 10,000/-.

Any errors in the data printed on your PAN Card may be brought to the notice of IT PAN Services Unit at the address given above and on the reverse of the PAN Card.

Income Tax Department

PKG ID : PRI01150201 / 69 / 140 / 24/05/06 / PST



LKN / 20 / 318401000095833171 / 3708674

BOLO RAM BORO

CENTRAL ORDNANCE DEPOT

CHHEOKI-VSD

NAINI

ALLAHABAD

UTTAR PRADESH - 212105

TEL. NO.:532 2697509

OTHER ADDRESS(ES)

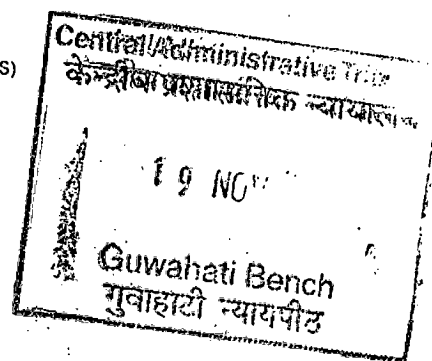
BOLO RAM BORO

BHITER KHOLA

DERAKAHARA

KAMPUR

ASSAM - 781020



Certified to be true.

N. S. Thakur

Advocate



DOB: 280652 TRADE: HIT/M PERS NO: 6966491

15 PAY & ALLOWANCES FOR THE MONTH OF: NOV 2008 (2) NAME: BOLO RAM BORO DOB: 280652 TRADE: A/F/M PERŠ NO: 6966491

15 PAY & ALLOWANCES FOR THE MONTH OF: DEC 2008 (3) NAME: BOLO RAM BORO DOB: 280652 TRADE: A/F/M PERS NO: 6966491

15 PAY & ALLOWANCES FOR THE MONTH OF: JAN 2009 (4) NAME: BOLO RAM BORO DOB: 280652 TRADE: A/F/M PERS NO: 696649

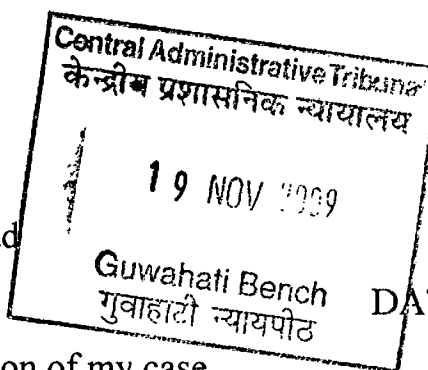
N. S. Thakuria.

True Copy

ANNEXURE-M

To

The Commandant,  
C O D, Chheoki, Allahabad



DATE.22.7.09

Subject: Regarding reconsideration of my case.

Respected Sir,

With due respect I beg to state you the following few lines fro your kind consideration:

- I. That Sir, at the time of appointment in this Department I submitted one School Leaving Certificate where my date of birth was shown as 03.10.1952 and it was recorded in all Official documents/correspondence as 28.6.1952.
- II. That Sir, on as your letter dated 27.06.08, I submitted one representation requesting to rectify my date of birth on the basis of the School Leaving Certificate.
- III. That Sir, on 04.11.08, Personal Officer (Civilian), Central Ordnance Depot, Chheoki , forcefully took my signature in a paper where it was written as that I requested him to accept my date of birth as 04.02.1949.
- IV. That Sir, thereafter I immediately submitted a representation to your Honour whereby stating about the incident.
- V. That Sir, instead of taking any step on the said letter in which my signature has been forcefully taken, I have been served with the copy of retirement and thereafter pension papers.
- VI. That Sir, my date of birth is 03.10.1952 as per my last School Leaving certificate and not 04.02.1949.

Therefore, I request you kindly to consider my case and reinstate me in my service.

Yours faithfully,

Sd/- Bolo Ram Boro.

22.7.09

Certified to be true

N. S. Thakur  
Advocate

File in Court on <u>26/2/10</u>
Court Officer.

Filed by:-  
The Respondents  
Mayank Bisht  
S/o Sri Ravindra Singh Bisht  
26/2/2010

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH.**

Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय
26 FEB 2010
Guwahati Bench गुवाहाटी न्यायपीठ

**In the matter of:-**

O.A no.241/09

Sri Bolo Ram Boro

...Applicant

-Vs-

Union of India and ors.

...Respondents

-AND-

**In the matter of:**

Written statement on behalf of  
respondents.

**(WRITTEN STATEMENT ON BEHALF OF RESPONDENTS.)**

I, Captain Mayank Bisht, SM, S/o Sri Ravindra Singh Bisht, aged about 26 years, presently working as Quarter Master in 222 Advance Base Ordnance Depot, do hereby solemnly affirm and state as follows:-

1. That, I am working as Quarter Master in 222 Advance Base Ordnance Depot. I have gone through the original application and am conversant with the facts and circumstances of the case and have understood the contents thereof. I have been authorized to file this written statement on behalf of the Respondents.
2. That, I do not admit any of the statements save and except which are specifically admitted hereinafter and the same are deemed as denied.
3. That before traversing various paragraphs of the present original application, the answering respondent would like to place the brief facts of the case.

**BRIEF FACTS:**

3.1. That the applicant was appointed as Vehicle Mechanic in 1 Advance Base Workshop on 04 Feb 1972. At the time of joining he was referred to Regimental Medical Officer ('RMO' in short), 1 Advance Base Workshop, EME, 99 APO for medical examination.

3.2. That since the applicant did not produce the educational certificate before the RMO at the time of medical examination in support of his date of birth, Major Deveshvar, RMO, 1 Advance Base Workshop, EME assessed his age as 23 years on 04 Feb 1972 and put his remarks on Medical Examination Certificate as .Feb 1949 in terms of Art.49 (CSR). The assessed age infact was accepted by the applicant and he put his signature thereon.

Received copy.  
N.S. Thakur  
26/2/10

Mayank Bisht

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-2-

26 FEB 2010

Allahabad Bench

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**3.3** That on completion of one year service, the applicant was discharged from service w.e.f 16 Feb. 1973 and re-employed as in lieu of combatant for the post of Civilian Fitter w.e.f. 17 Feb. 1973.

**3.4** That the applicant was transferred to 65 Corps OMP, C/O 56 APO w.e.f. 11 Nov. 1976 and further to COD Chheoki on promotion-cum-posting as charge man w.e.f. 17 Sep. 1987.

**3.5** That the applicant was referred to Medical Officer, COD Chheoki and he put his age as 23 years as on 04 Feb 1972 based on his previous medical report. While re-assessing the date of birth as 04 Feb 1949 by the Medical Officer, COD Chheoki, the applicant accepted it without any complaint/query.

**3.6** That as per Office Memorandum dated 17.11.62 issued by the Government of India, Ministry of Home Affairs:

"That requests from Govt. Servants for alteration of the date of birth should not be entertained after the preparation of their Service Book and in any event not later than the completion of the probation period or declaration or quasi-permanency, whichever is earlier. The date of birth of a Govt. Servant may, however, be altered at a late stage by the Department of the Central Government and Administrator or a Head of Department, if he is satisfied that a bonafide clerical mistake has been committed and that it should be rectified. Efforts should, however, be made to settle the matter within the period stated above."

**3.7** That on completion of 25 years of service, the service book of the applicant was referred to audit authority for 25 years service verification. During the course of audit, the audit authority observed that as per Medical Examination Report dated 04 Feb 1972, his date of birth was put on first page of Service Book as 04 Feb 1972 but his date of birth has been altered as 28 Jun 1952 without any documentary proof as well as without permission of Competent Authority. Though the applicant as well as previous units have put date of birth of the applicant as 28 Jun 1952 in various documents/forms but his date of birth has no documentary proof. Hence his date of birth as reckoned by RMO, 1 Advance Base Workshop, EME, C/O 99 APO as 23 years on 04 Feb 1972 at the time of Medical Examination accepted by the audit authority and accordingly on completion of sixty years of service on 28 Feb 2009 he was superannuated on 28 Feb 2009 based on his date of birth as 04 Feb 1949 as assessed by RMO, 1 Advance Base Workshop, EME, C/O 99 APO.

**3.8** That the applicant was serving as Foreman at Central Ordnance Depot, Chheoki, Allahabad. He was living with his family at 125 Triveni Nagar, Naini, Allahabad which comes under the jurisdiction of the Hon'ble Central Administrative Tribunal, Allahabad Bench. Also the residential address as mentioned in his CGHS Card bearing no. 13247 is as follow:

" 125, Triveni Nagar,  
Naini, Allahabad".

Margaret Bhatia



He retired from his service at Allahabad. Hence the jurisdiction of the matter belongs to the Allahabad Bench of the Hon'ble Tribunal.

**4. Reply to the facts of the case:-**

**4.1.** That with regard to the statement made in paragraphs 4.1 to 4.3 of the Original Application; the humble answering respondent has nothing to make comment on it as they are being matters of records.

**4.2** That the humble answering respondent denies the correctness of the statement made in paragraph 4.4 of the Original Application. However, it is pertinent to mention here that during the course of the applicant's selection as well as joining of the duty, he had no documentary proof to establish his date of birth. Hence, he was referred to Regimental Medical Officer of 1 Advance Base Workshop, EME, C/O 99 APO on 04 Feb 1972 for Medical Examination as well as assessment of age. The then RMO, Maj. I.M. Deveshvar, Army medical Corps, assessed his age 23 years and put his remarks on Medical Examination Certificate as February 1949 in terms of Article 49 (CSR). The assessed age by RMO of 1 Advance Base Workshop was accepted by the applicant and put his signature thereon. Based on above medical report, the applicant was issued identity card mentioning age as 23 years in April 1972.

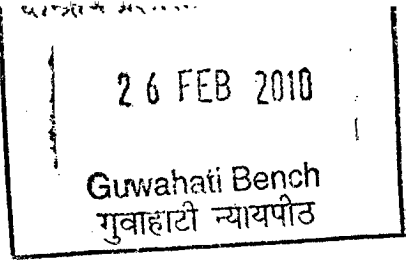
Photocopies of the Medical Examination Report dated 04.02.72 issued by the Regimental Medical Officer, 1 Advance Base Workshop, EME, and the applicant's identity card are annexed herewith and marked as **ANNEXURE- 1 and 2** respectively.

**4.3** That with regard to the statements made in paragraph 4.5 of the Original Application; the humble answering respondent begs to state that the applicant submitted his family details and other documents before the Authority in the form on 10.09.92. In the said form the applicant declared his date of birth as 28.06.52, whereas in the School Leaving Certificate dated 31.12.1971 said to be submitted by the applicant is shown as 03.10.52. As per the said certificate it appears that the applicant started his schooling at the age of 10 years.

It is pertinent to mention here that if the applicant was in custody of the School Leaving Certificate dated 31.12.71 showing his date of birth, then why did he not produce the same at the time of entry in service or why did he put his signature in the Service Book at the time of entry as 04.02.49. When the case of the applicant was referred to the Regimental Medical Officer for assessment of his date of birth and certified as 04.02.49, the applicant never disclosed any document to establish his date of birth as claimed by him rather he accepted the date of birth as 04.02.49 as assessed by the Regimental medical Officer. Further, the so-called School Leaving Certificate infact does not establish the date of birth as 28.06.52 as claimed by the applicant rather it established as 03.10.52.

Thus, the said certificate as well as his statement cannot be acceptable.

*Mayank Bhat*



**4.4.** That with regard to the statements made in paragraph 4.6 of the application, the humble answering respondent begs to state that as per the details and particulars and also the date of birth of the applicant submitted by him, the correspondence was made with higher headquarters. Hence, the said date of birth was recorded on Seniority roll and other documents.

**4.5** That with regard to the statements made in paragraph 4.7 of the application, the humble answering respondent submits that the Service Book of the applicant was sent to Local Audit Office (Stores), Chheoki, for 25 years service verification. During the course of verification it was found that there was alteration of date of birth of the applicant without the approval of the Competent Authority, that too by violating the instruction in terms of O.M. No. F. 9/1/61-Ests (A), dated 17.11.1962. Then, the respondents immediately issued letter dated 26.06.08 and asked the applicant to clarify his actual date of birth with authentic proof. In response to the aforesaid letter dated 26.06.08, the applicant submitted his representation dated 30.06.08 alongwith a School Leaving Certificate.

As per the aforesaid School Leaving Certificate, the applicant's age as on 31<sup>st</sup> Dec.1970 is 18 years, 02 months and 28 days and as per the said certificate his date of birth is said to be 03<sup>rd</sup> Oct. 1952. Interestingly, the earlier date of birth as assessed by the Regimental Medical Officer is as 04. Feb. 1949 was altered by over-writing as 28.06.52. Hence, there are discrepancies amongst the School Leaving Certificate as well as the alteration of the date of birth.

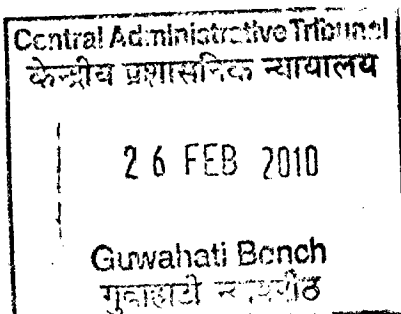
It is stated that the applicant while entering Service did not produce any School Leaving Certificate or any other documentary evidence to support his date of birth, as such his date of birth was determined after Medical Examination as stated in para 4.4 of this Written Statement as 04. Feb. 1949. This date of birth was illegally altered to 28.06.52, the applicant annexed his School Leaving Certificate dated 31.12.70 as Annexure D to the O.A. showing his date of birth as 03.10.52. Moreover, the applicant accepted the date of birth as recorded in the Service Book as 04 Feb. 1949 by putting his signature there. It is also stated that the applicant is not an illiterate staff as per his own declaration.

The applicant during the course of his entire service did not raise any grievances before the Appropriate Authority for alteration/ correction/ modification of his date of birth. The alteration subsequently in the Service Book by over writing is clear violation of the mandate of the instruction as well as the Departmental Procedure.

The said certificate also says that in 1970, he was reading in Class VI also meaning thereby that the applicant started his schooling at the age of 10 years.

**4.6.** That with regard to the statements made in paragraph 4.8 of the application the humble answering respondent categorically denies the correctness of the statements made therein. It is stated the Respondent no. 3 was working under Administrative Officer and Commandant, COD, Chheoki. There is no occasion to pressurize the applicant to write a letter to the Commandant stating his date of birth is not 03.10.52 and to request the authority to correct the same as 04.02.49. It is baseless allegation against the Respondent no.3. If the said officer pressurize the applicant to accept his date of birth as 04 Feb 1949 as assessed by the Regimental Medical Officer of 1 Advance Base workshop, EME, C/O 99 APO, he should have complained to Administrative Officer or

*Mayank Bhat*



Commandant, COD Chheoki or any higher offices of answering respondents but he did not do so. Similarly, if the Respondent No.3 forcefully obtained the signature of the applicant on 04 Nov. 2008, he was free to file FIR in police station. All the allegation of the applicant made in present petition are fabricated and malafide. The facts is that consequent on receipt of observation from Audit Authorities, the material facts was apprised to the applicant and the applicant after considering the matter in genuineness accepted the proposal of the Personnel Officer and signed on 04.11.08.

**4.7.** That the humble answering respondent begs to state that the statements made in paragraph 4.9 of the application are misconceived and hence are vehemently denied. It is stated the applicant had never submitted any representation dated 15 Nov. 2008 before the Commandant, COD Chheoki before his superannuation dated 28 Feb. 2009. It seems that the applicant has filed a fabricated representation dated 15 Nov. 2008 in present petition vide Annexure-1 to the O.A. to take undue advantage from this Hon'ble Tribunal.

**4.8.** That with regard to the statements made in paragraph 4.10 of the application, the humble answering respondent begs to state that the statements are misconceived and baseless and hence denied. It is stated that on receipt of observation from audit authorities regarding alteration of date of birth of the applicant as 28.06.1952 instead of 04.02.49, the matter was referred to the Head of Department, Director General of Ordnance Services, Integrated Headquarters of Ministry of Defence (Army). The Director General of Ordnance Services rejected the case of the applicant after due examination for alteration of date of birth of the applicant vide letter no. A/24331/C of DOB/OS-8C (ii) dated 21.01.2009.

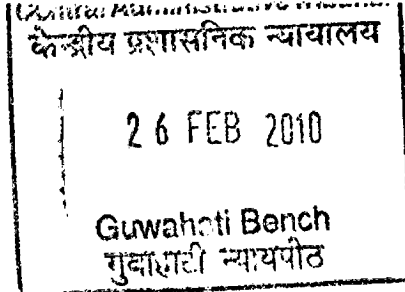
The answering respondent, thereafter, served a copy of superannuation from service w.e.f. 28.02.09 and accordingly clearance form was given to him to submit Clearance Certificate from various group/branches in COD, Chheoki.

Copy of the said letter dated 21.01.2009 is annexed herewith and marked as **ANNEXURE- 3**.

**4.9.** That with regard to the statements made in paragraph 4.11 of the application, the humble answering respondent categorically denies the correctness of the statements made therein. It is stated that if the applicant was possession of school leaving Certificate at the time of joining his duty, the same should have been produced before the Regimental Medical Officer of 1 Advance Base Workshop, EME, C/O 99 APO for putting his date of birth as 03. Oct. 1952 in medical certificate in accordance to the School Leaving Certificate. Since the applicant had no School Leaving Certificate, the question for submission of School Leaving Certificate by the applicant at the time of joining does not arise. So far as the alteration of date of birth as 28 Jun 1952 is concerned, it is submitted that the applicant had mentioned imaginary date of birth as 28 Jun 1952 in attestation form and according to which he managed to alter his date of birth as 28 Jun 1952 in place of 04 Feb 1949 with the help of Official of 1 Advance Base Workshop, EME, C/O 99 APO which was not in proper.

**4.10.** That with regard to the statements made in paragraph 4.12 of the application the humble answering respondent categorically denies the correctness of the

*Mayana Bhat*



statements made therein. Further the humble answering respondent reiterates and reaffirms the statements made in 4.6 of this written statement.

**4.11.** That with regard to the statements made in paragraph 4.13 of the application the humble answering respondent categorically denies the correctness of the statements made therein. It is stated that the applicant have never submitted his representation dated 15.11.08 before the respondent authority nor in records. That the said so-called representation is fabricated and after-thought which was prepared to get undue advantage irregularly.

**4.12.** That with regard to the statements made in paragraph 4.14 of the application the humble answering respondent categorically denies the correctness of the statements made therein. It is stated that during the course of joining his duty as Vehicle Mechanic in 1 Advance Base Workshop, EME, C/O 99 APO, he had no educational certificate and hence he was referred to the Regimental Medical Officer for medical examination and assessment of age. On receipt of the Medical Report dated 04 Feb 1972, the appointing authority reckoned his date of birth as 04 Feb. 1949 based on Medical Report. But later on, his date of birth was altered as 28 Jun 1952 violating existing Rules and without any authentic proof. When the fact highlighted by the Audit Authorities, the applicant submitted a certificate vide letter dated 30 Jun 2008 and requested to alter his date of birth accordingly. Since, alteration in date of birth should have been made within one or two years or within probation period as per instruction vide OM dated 17.11.62, but the request for alternation in date of birth received from the applicant was in the end. Hence the Head of the Department i.e. Director General of Ordnance Services, Integrated Headquarters of Ministry of Defence (Army) rejected his case vide letter dated 21 Jan 2009.

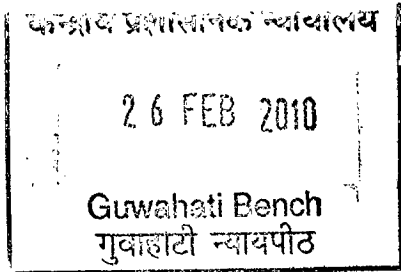
**4.13.** That with regard to the statements made in paragraph 4.15 of the application, the humble answering respondent categorically denies the correctness of the statements made therein. It is stated that the applicant had never submitted representation dated 22 Jul 2009 for re-instatement of his services as per date of birth recorded in School Leaving Certificate as 03 Oct. 1952. Moreover, if the applicant makes any representation before the answering respondents to alter his date of birth in the end of his service or after retirement, this was not sustainable as per Govt. Instruction as well as in the eye of the law.

**4.14.** That with regard to the statements made in paragraph 4.16 of the application, the humble answering respondent categorically denies the correctness of the statements made therein. It is stated that no such representation dated 22.07.09 has been received by the respondent authorities; the question for disposing off the same does not arise at all. Moreover, if any representation was submitted by the applicant dated 22.07.2009 before the answering respondents, he would have obtained receipt thereof and the same should have been annexed for perusal of this Hon'ble Tribunal.

**4.15.** That with regard to the statements made in paragraph 4.17 to 4.19 of the application, the humble answering respondent begs to submit that as per O.M. dated 17.11.62 issued by the Government of India, Ministry of Home Affairs:

*Nayande Bhaty*

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-7-



"That requests from Govt. Servants for alteration of the date of birth should not be entertained after the preparation of their Service Book and in any event not later than the completion of the probation period or declaration or quasi-permanency, whichever is earlier. The date of birth of a Govt. Servant may, however, be altered at a late stage by the Department of the Central Government and Administrator or a Head of Department, if he is satisfied that a bonafide clerical mistake has been committed and that it should be rectified. Efforts should, however, be made to settle the matter within the period stated above."

That the applicant entered in his service on 04.02.1972 as Vehicle Mechanic in 1 Advance Base Workshop. The applicant did not produce any educational certificate to establish his date of birth. Accordingly his case was referred to Regimental Medical Officer ('RMO' in short), 1 Advance Base Workshop, EME, 99 APO for medical examination. On medical examination his age was assessed as 23 years on 04.02.1972. Accordingly his date of birth was 04.02.49. The applicant himself accepted the said date of birth and put his signature thereon. On completion of 25 years of service, the service book of the applicant was referred to the audit authority for 25 years of service verification. In the course of audit it was found that the date of birth of the applicant was altered as 28.06.1952 in place of 04.02.1949 without any documentary proof and without any permission of competent authority.

It is pertinent to mention that if the applicant was in custody of so-called school certificate dated 31.07.1971 showing his dated of birth as 03.10.1952 then why he has not produced the same and accepted the date of birth as 04.02.49 in place of 03.10.52 in the entry of his service. Moreover, there was also some confusion that if it is so then why he later on in some documents put his date of birth as 28.06.1952. Thus, he took a contrary stand.

The applicant represented his matter on 30.06.08 with a request to alter his date of birth. After thorough examination of the papers, documents and records of the humble respondent authority found that the applicant is not entitled to get his date of birth altered in view of the Govt. instruction.

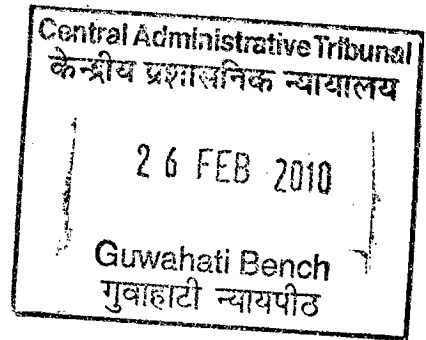
**4.16.** That the humble answering respondent begs to submit that the law is well settled that no entry of date of birth should be corrected at fag end of service. Same principle is equally applicable to the authorities. On the face of notification of GOI/OM dated 17.11.72 of Ministry of Home Affairs the applicant is not entitled to get the relief as prayed for.

**4.17** That the instant Original Application has no merit and is liable to be dismissed.

Marginalia

- 8 - - 43 -

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**VERIFICATION**

I, Captain Mayank Bisht, SM, S/o Sri Ravindra Singh Bisht, aged about 26 years, presently working as Quarter Master in 222 Advance Base Ordnance Depot., do hereby verify that the statements made in paragraphs 1, 2, 4.4, 4.10, 4.11, 4.13 and 4.14 are true to my knowledge and belief, those made in paragraphs 3.1 to 3.8, 4.1 to 4.9, 4.12 and 4.15 being matters of records of the case are true to my information derived therefrom and rests are my humble submission before the Hon'ble Tribunal. I have not suppressed any material fact before the Hon'ble Tribunal.

And I sign this verification on the 25<sup>th</sup> day of February 2010 at Guwahati.

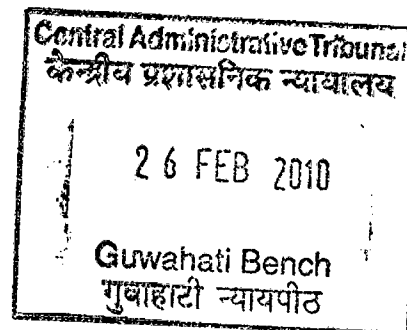
*Mayank Bisht*  
**SIGNATURE**

- 9 - - 44 -

ANNEXURE - 1

5

TYPED COPY



**MEDICAL CERTIFICATE**

(In terms of Article 49 CSR)

I hereby certify that I have examined Sri Bolo Ram Boro, Son of Sri Lokhiram Boro, a candidate for employment as Veh. Mech. (NV) in 1 ADV. BASE WKSP and cannot discover that he has any disease (communicable or otherwise) constructional weakness or bodily infirmity except NIL.

2. I do not consider this a) disqualification for employment in this Office of O/O 1 ADV. BASE WKSP, EME, C/o 99 APO. His age according to his own statement is 2 years and by appearance about 23 years.

Date of Birth: FEB 1949

Station : Field

Date: 04 Feb 72

Office Seal.

Sd/

Signature of the Medical Officer  
(M.DEVESHVAR, MAJOR)

Capt. AMO

RMO 1 Adv Base Wksp

Sd/

Signature of the Candidates

Attested

Sd/

PERSONNEL OFFR (CIV)



MEDICAL CERTIFICATE

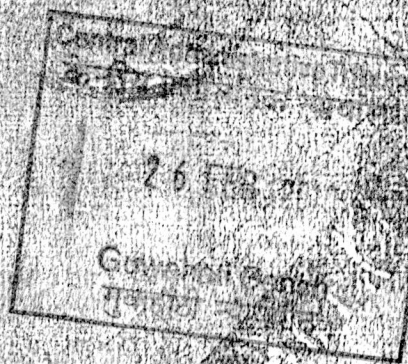
(In terms of Article 49/CSF)

I hereby certify that I have examined Sr. Bolo Ram Boro  
S/O Shri Lokesh Ram Boro  
a candidate for employment as Veh Med (MVA) in 1 ADV BASE WK  
and cannot discover that he has any disease (communicable or  
otherwise) constitutional weakness or bodily infirmity except  
NIL

2. I do not consider this a disqualification for employment  
in this office of C/O 1 ADV BASE WKSP  
C/O 99 APO. His age according to his own statement is 27  
years and by appearance about 27

Date of birth: Feb 3, 1949  
Field  
05 Feb 72  
Office Seal

Signature of the Medical Officer  
Dr. Jyeshtha  
Capt AMO  
BMO 1 Adv Base Wksp

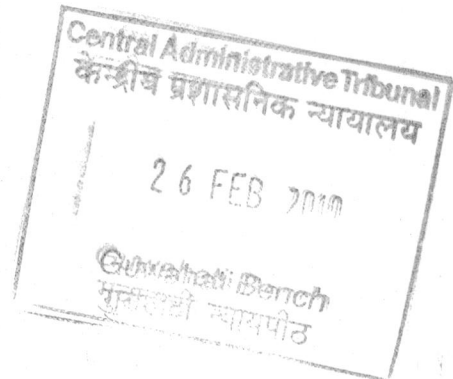


Sr. Bolo Ram Boro  
Signature of the Candidate

PERS

*Certified to be true copy.*  
*(Mrs. Manjula Das)*  
*Sr. C.C.S.C.*





*Handwritten signature/initials.*

*certified to be true copy.*

*(Mrs. Manjula Das)*  
*Sr. C. G. S. C*

Tele:23018735

REGISTERED/SDS

Directorate General of Ordnance Services  
Master General of Ordnance Branch  
Integrated HQ of MOD (Army)  
New Delhi-110105

A/24331/C of DOB/OS-8C (ii)

21 Jan 2009

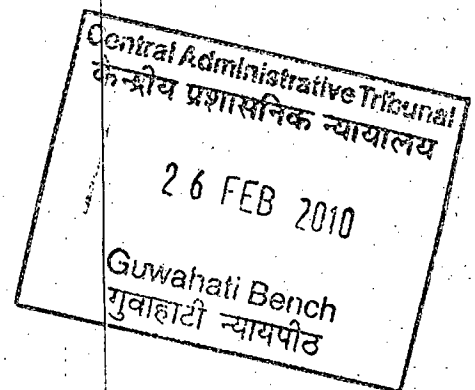
OIC Records  
AOC Records  
Pin-900453  
C/O 56 APO

**RECTIFICATION IN DATE OF BIRTH:**  
**FOREMAN SHRI BR BORO OF COD CHHEOKI**

1. Reference your letter No.6966491/BRO/AF/CA-6 dated 05 Jan 2009.
2. The case for change in date of birth has been examined. As per clarification given vide GI MHA OM No.F.9/1/61-Ests (A) dated 17 Nov 1962, such alteration can not be entertained at this belated stage (Copy of relevant rule position enclosed).

*(Signature)*  
(Ak Sengupta)  
Dy. Director  
MGO Br./OS(Pers)  
For DGOs

Encls: As stated above



certified to be true copy

*(Signature)*  
(Mrs. Manjula Das)  
Sn. C.G.S.C.

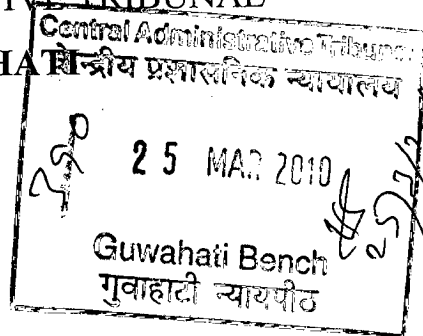
CA-6

BUS

(01)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI



Filed by -

Nirmal Deka

24/3/10

Bolo Ram Boro

Original Application No.241/09

Bolo Ram Boro.....Applicant

-VS-

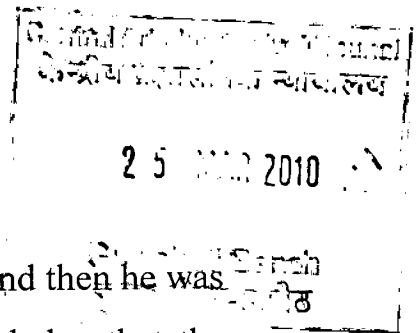
Union of India & Ors.....Respondents

-AND-

IN THE MATTER OF :

A reply of the Applicant to the Written Statement submitted on behalf of the Respondents.

1. That I am the Applicant of the above noted Original Application and I am fully acquainted with the facts and circumstances of the case. I have gone through the Application and fully understood the contents thereof.
2. That the answering Applicant has nothing to comment regarding statements made in paragraph Nos.1 and 2. However, anything contrary to record is denied by the answering Respondent.
3. That as regards that statement made in paragraph Nos.3, 3.1 and 3.2 the answering Applicant states that it is true that initially on 04.02.1972, he was appointed in service as Vehicle Mechanic. At the time of joining in service he was asked to submit document to proof his date of birth. Accordingly he submitted one School Certificate issued by the Headmaster, Dorakahara Government Aided M E School dated 31.12.1971



(ANNEXURE-D). Thereafter he was examined by a Doctor and then he was asked to put his signature in a paper. But he had no knowledge that the Regimental Medical Officer had assessed his age as 23 years on 04.02.1972. Therefore, as per the said School certificate, his date of birth is 03.10.1952 and not 04.02.1949.

4. That as regards that statement made in paragraph Nos.3.3 and 3.4 the answering Applicant states that he has nothing to say as these are matter of records.

5. That as regards that statement made in paragraph No. 3.5 the answering Applicant categorically denied it, as this is not true. The Applicant states that when he joined his service at Central Ordnance Depot, Chheoki, he was again asked to give document regarding his date of birth, he submitted the said Certificate issued by the Headmaster, Dorakahara Government Aided M E School and as per this certificate his date of birth was 03.10.1952.

The Applicant states that the Respondents have forgot<sup>ten</sup> the point that on the basis of the said School Certificate produced by him; the Respondent Authority had recorded his date of birth in all his official documents as **28.06.1952** and not as **04.02.1949**. Even on his last payslip, his date of birth was recorded as **28.06.1952** and not as **04.02.1949**(ANNEXURE-L).

6. That as regards that statement made in paragraph No. 3.6, the answering Applicant states that in all official records his date of birth was recorded by the Respondent Authority as **28.06.1952**. Perhaps on the basis of the Office Memorandum, the Respondent NO.2 i.e, the Commandant, Central Ordnance Depot, Chheoki, on 27.6.08, issued a letter to the Applicant whereby asked him to clarify his date of birth vide No. 120167 / Esst -NI dated 27.06.08. Accordingly, the Applicant vide his representation dated 30.06.08(ANNEXURE-G), requested the Respondent No.2 that though his date of birth in all official records was recorded as 28.06.1952,

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but in fact his date of birth is 03.10.1952 and requested him to rectify the same. However, he stated that if the Authority accepted his date of birth as 28.06.1952, he has nothing to say. The Applicant submitted the same alongwith all relevant documents before the Respondent NO.2.

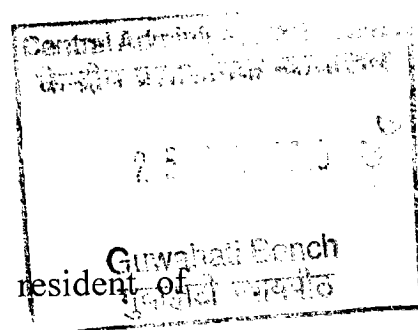
6. That as regards that statement made in paragraph No. 3.7, the answering Applicant states that as per Office Rule the Service Book of an employee is always kept with the Office and not by the employee himself. If any alteration was done in the Service Book, then it was not by the employee but by the Authority themselves, as he has no authority <sup>to</sup> make any correction /alteration in his own service Book. Moreover, on his very first joining in service, he submitted the fore said School Certificate and on the basis of the said Certificate the Respondent Authority had entered his date of birth in all his Official documents as 28.06.1952.

The Applicant states that it is the Respondent Authority who arbitrarily and with malafide intention had forcefully retired him from service with a wrong date of birth.

7. That as regards that statement made in paragraph No. 3.8, the answering Applicant states that the Respondent Authority is well aware of the fact that he is from Vill:Bhitorkhula, District: Kamrup, Assam. The answering Respondent states that in all documents relating to his forceful retirement, the Respondent Authority put the aforesaid address.

Regarding CGHS Card , the answering Applicant states that that card was prepared when he was in service and at that time he was at Naini, Allahabad. The CGHS card was issued to him on 04.03.2008 and it was duly signed by the Issuing Authority. In the said card the Respondent put his date of birth as 28.6.52. Had his date of birth been 04.02.1949 as claimed by the Respondent , then it would have been definitely put by them. In fact, the date of birth as 04.02.1949 was lateron manufactured by the Respondent so that the Applicant could be forcefully retired from service before his actual date of retirement i.e, in the year 2012.

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The Applicant further states that he is the permanent resident of Assam. Therefore, he approached before this approach before this Hon'ble Tribunal for justice.

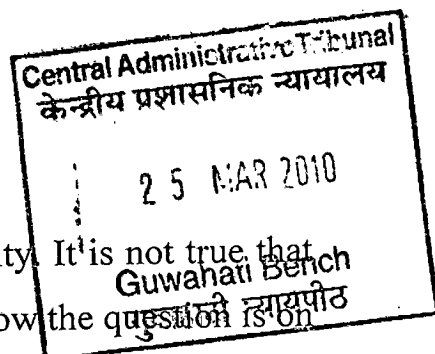
A copy of the CGHS Card is annexed hereto as ANNEXURE-N

8. That as regards that statement made in paragraph No. 4.1 of the Written statement, the answering Applicant states that the Respondent has admitted the contents of the application made in Para Nos.4.1,4.2 and 4.3 as these are matter of records. If that is so, then the Respondent had admitted the date of birth of the Applicant as 28.06.1952, as in the aforesaid paragraphs, the Applicant has annexed two documents- the Identity card which was issued to him on 02.08.2007 and the Movement Order dated 10.09.1987.

9. That as regards that statement made in paragraph No. 4.2, the answering Applicant denied it, as this is not true. The answering Applicant states that at the time of joining he submitted the abovementioned School Certificate to prove his date of birth. Lateron also, the Respondent asked him to submit document to prove his date of birth and he submitted the same certificate as proof. Further the answering Applicant begs to state that the documents as annexed by the Respondent as ANNEXURE-1 and 2 with the written statement, it can be seen that though these documents are not at all legible, but the date of birth of the Applicant was over written.

10. That as regards that statement made in paragraph No. 4.3, the answering Applicant denied it, as this is not true. The answering Applicant states that on the basis of the School Certificate, the Respondent put his date of birth as 28.06.1952. When the applicant showed the mistake to the Authority, he was told that ' it is a matter of four months and not of years', so it would be corrected lateron. Therefore, when he was asked to submit the family details, he was asked to put his date of birth as 28.06.1952 and not as 03.10.1952. The Applicant states since the day of joining he submitted the

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same School Certificate when asked for by the Authority. It is not true that he could not produce any document to prove his age. Now the question is on what basis the Respondent Authority had entered his date of birth in all Official records as 28.06.1952 and why not 04.02.1949 as claimed by them?

11. That as regards that statement made in paragraph No. 4.4, the answering Applicant denied it, as this is not true. The Applicant states that this is not true that his date of birth was entered by the higher head quarter on the basis of the family details submitted by his where he put his date of birth as 28.06.1952.

The Applicant states that the Form for family details was submitted by him on 10.09.1992. But much before that in his movement order dated 10.09.1987, the Respondent Authority put his date of birth as 28.6.1952.

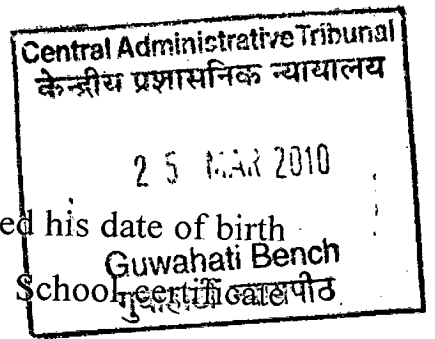
12. That as regards that statement made in paragraph No. 4.5, the answering Applicant denied it, as this is not true. The answering Applicant begs to state that at the time of joining in service he submitted the School Certificate as per which his date of birth is 03.10.1952. But the Respondent Authority entered the same by wrongly assessing his age as 28.06.1952. Now if there was any alteration in his Service Book, then it was done by the Respondent Authority and not by him. Generally the Office maintains the Service Books of the employees. No employee has right to write whatever he likes in his own Service Book. Moreover, how the Respondents believed that the assessment made by the Regional Medical Officer was correct and the School Certificate produced by the Applicant was wrong? Did the Respondents try to verify the School Certificate produced by the Applicant? Further when the Respondents came to know about the alteration of date of birth, did they make any enquiry or took action against the Officer concerned?

The Applicant further states that he is belonged to Boro Community, living in a remote backward village of Assam. Therefore, starting Schooling at the age of ten is not so serious matter for their community.

Belo Ram Boro

13. That as regards that statement made in paragraph No. 4.6, the answering Applicant vehemently denied it, as this is not true. Respondent No.3 who forcefully took his signature in the application to accept his date of birth as 04.02.1949. The Applicant accordingly informed the matter to the Respondent No.2 by submitting one representation dated 15.11.2008 (ANNEXURE-I). The Respondents with malafide intention forcefully took his signature on the letter dated 04.11.08 in order to establish their claim so that his service could be ended by serving him pension papers before his actual date of superannuation.
14. That as regards that statement made in paragraph Nos. 4.7 and 4.8, the answering Applicant categorically denied it, as this is not true. He has not filed any fabricated representation before this Hon'ble Tribunal to get any undue favour. In fact, as the Applicant has filed this Application before this Hon'ble Tribunal by showing the arbitrary and malafide intention of the Respondents in placing his service under superannuation much before his actual date, they have now intentionally denied that the Applicant has not submitted any representation before the Respondent No.2.
- The Applicant further states that he has not received any letter from the Director General of Ordnance Service dated 21.1.09 whereby his prayer for rectification of date of birth was rejected.
15. That as regards that statement made in paragraph No. 4.9, the answering Applicant denied it, as this is not true. It is a fact that at the time of joining his duty he submitted the School certificate and on the basis of which the Respondent Authority entered his date of birth as 28.6.1952. The Applicant further states that he was a mere Vehicle Mechanic when he first joined in his service. Therefore, no body would believe that he had such power by which he altered his date of birth in Official records.
16. That as regards that statement made in paragraph No. 4.10, the answering Applicant denied it, as this is not true. The Respondent Authority





was well aware of the fact that they had wrongly calculated his date of birth as 28.06.1952 instead of 03.10.1952 on the basis of the School Certificate produced by him.

17. That as regards that statement made in paragraph No. 4.11, the answering Applicant denied it, as this is not true. The Applicant states that when the Respondent forcefully took his signature on the letter dated 04.11.2008, he immediately informed the matter to the Respondent No.2 by submitting the representation-dated 15.11.08. Now how the said representation has missed from the records is best known to the Respondent only.

18. That as regards that statement made in paragraph No. 4.12, the answering Applicant denied it, as this is not true. At the time of joining in service, the Applicant submitted School Certificate as document for proving his age. Now the Respondent instead of relying on the School Certificate has given much weightage to the assessment made by the Regional Medical Officer. The medical examination was nothing but a routine check-up done by the Medical Officer before starting duty.

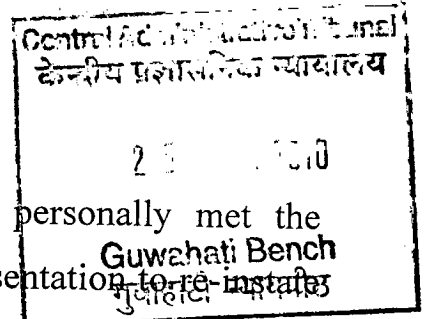
Now the question arises:

1. How the Applicant was examined by the Regional Medical Officer?
2. Whether any X-Ray and other Tests were done on the Applicant?
3. Whether the Respondent verified the document submitted by the Applicant to ascertain his actual age?
4. Did the Respondent make an attempt to contact the School Authority to verify the Certificate issued to him?

But in fact, nothing was done by the Respondent and simply stood on the assessment made by the Regional Medical Officer.

19. That as regards that statement made in paragraph Nos. 4.13 and 4.14, the answering Applicant denied it, as these are not true. In the mid of July 2009, the Applicant visited the Office Allahabad to receive some payments

Balo Ram Boro



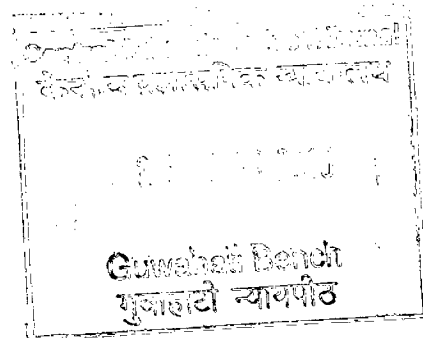
due to him. During the said visit, the Applicant personally met the Respondent No.2 and requested by submitting a representation to re-instate him in service as he was wrongly placed under superannuation before his actual date of retirement which was due in the year 2012. The Office did not give any receipt to him when he submitted the representation. He could not force them to issue a receipt as in a office no body gives importance to a person who has attained the age of superannuation.

20. That as regards that statement made in paragraph No. 4.15, the answering Applicant states that the last part of the O M as stated by the Respondent, the bonafide clerical mistake could be corrected at later stage. In case of the Applicant, entering his date of birth by the Respondent as 28.06.1952 instead of 03.10.1952 in all Official records was a bonafide mistake. The said mistake was done by the Respondent and not by the Applicant. He produced the School certificate to prove his age. Now the Respondent stated that there was overwriting in the date of birth of the Applicant. Now, when all Official documents were in the safe custody of the Respondents, who made the overwriting on the date of birth, when the Applicant had no access to such documents? As the Applicant had not made any mistake, he is entitled to be re-instated in his service.

21. That as regards that statement made in paragraph No. 4.16 and 4.17, the answering Applicant denied it, as this is not true. The School Certificate is regarded as an authentic document by any Court of Law in proving the age of a person. The certificate he submitted to the Respondent is an authentic document. Now as the mistake committed by the Respondent is focused, they are taking a different stand. The Applicant is innocent and no wrong has been committed by him. Therefore, he is entitled to get the relief from this Hon'ble Tribunal .

.....Verification.

Balo Ram Boro

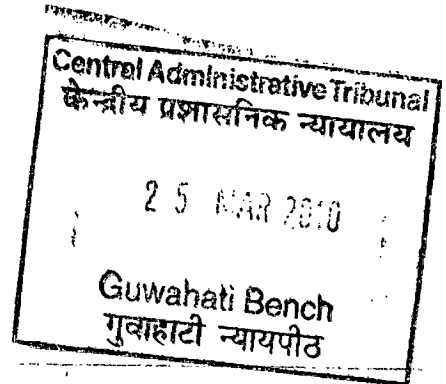


VERIFICATION

I, Shri Bolo Ram Boro, S/O: Late Lakhi Ram Boro, aged about 57 years, resident of Vill:Bhitorkhula, PO:Kamalpur, PS: Kamalpur do hereby solemnly affirm and verify that I am the Applicant in this instant application and conversant with the facts and circumstances of the case, the statements made in paragraph No 1, 2, 6, 10, 14-16, 18, 20 and 21 are true to my knowledge; those made in paragraph Nos 3 to 9, 11 to 13, 17 and 19 are true to my information derived from the records and the rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign this verification on this the <sup>24</sup>day of March 2010 at Guwahati.

*Bolo Ram Boro*



संख्या

13247

No.

पूरा नाम

Name in Full... Bolo Ram Boro

सम्बन्धित मन्त्रालय/विभाग/कार्यालय

Ministry/Department/Office in which employed

CCD, Chhuti (Defence)

घर का पता

Residential address... 125, Trivani Nagar

Naini, Allahabad

औषधालय संख्या

Dispensary No. 07

सरकारी कर्मचारी के हस्ताक्षर/अंगूठे के निशान

Signature/Thumb impression of

Govt. employee

जारी करने वाले अधिकारी के हस्ताक्षर

एवं कार्यालय की मोहर

Signature of Issuing authority

Office seal

जारी करने की तिथि

Date of Issue. 04.12.2008

## \*परिवार का व्यौरा/Details of Family

नाम Name	जन्म तिथि Date of Birth	सम्बन्ध में Relation-ship
1. Bolo Ram Boro	28-6-52	Self
2. Smt. Dushum Boro	14-12-58	Wife
3. ....	....	....
4. ....	....	....
5. ....	....	....
6. ....	....	....
7. ....	....	....



PERSONNEL OFFICE (CIV) — अथवा पति),  
बहन, विधवा बहन, विधवा लड़की एवं नाबालिक  
भाई हैं। इसमें कोई अन्य सम्बन्धी जैसे विवाहित  
पुत्री आदि सम्मिलित नहीं है।

\*Family includes only Wife (or Husband), Chil-  
dren or Step Children, Dependent—Parents,  
Sisters, Widowed Sisters, Widowed Daughters  
and Minor Brothers and no other relations  
such as married daughter.

Certified to be true.

N. S. Thakuria,

Advocate