

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 162/95

R.A/C.P No. 6

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SECTION OFFICER (Judl.)

*6.2.19*

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

2

GA 162/95

ORIGINAL APPLN.NO. OF 1995  
TRANSFER APPLN.NO. OF 1995  
CONTEMPT APPLN.NO. OF 1995 (IN OA NO. )  
REVIEW APPLN. NO. OF 1995 (IN OA NO. )  
MISC. PETN. NO. OF 1995 (IN OA NO. )

..... APPLICANT(S)

-VS-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ...MR.

OFFICE NOTE	DATE	ORDER
	1.12.95	<p>Learned counsel Mr R.Dutta for the applicant.</p> <p>No show cause has been submitted by the respondents. Perused the statements of grievance and reliefs sought for in this application. <del>Issue notice</del></p> <p>Application is admitted. Issue notice on the respondents under Registered post. Six weeks for written statement.</p> <p>List on 19.1.1996 for written statement and further orders.</p> <p style="text-align: right;">62 Member</p>
<p>Requisite are already served.</p> <p>Notice issued</p> <p>no. 5280-82 &amp; 15.12.95</p> <p>12/12</p> <p>Notice served to all concerned.</p> <p>17/12</p> <p>W/statement has not been filed</p> <p>18/1</p>	19.1.96	<p>None is present. Counter has not been submitted.</p> <p>Adjourned to 1.3.96 for written statement and further orders.</p> <p style="text-align: right;">62 Member</p>

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH  
GUWAHATI

ORIGINAL APPLN. NO. 162 OF 1995  
TRANSFER APPLN. NO. OF 1995  
CONTEMPT APPLN. NO. OF 1995 (IN OA NO.  
REVIEW APPLN. NO. OF 1995 (IN OA NO.  
MISC. PETN. NO. OF 1995 (IN OA NO.

..... M. R. Chandhury .. APPLICANT (S)

..... U. D. I. Joms. RESPONDENT (S)

FOR THE APPLICANT (S)

MR.  
MR.  
MR.  
MR.

R. Dutta

FOR THE RESPONDENTS

MR. B. K. Sharma  
Advocate

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BI No. 514543 Dated 21-4-95</p> <p><i>[Signature]</i> 29/8/95</p>	8.9.95	<p>Mr R. Dutta for the applicant move this application. Mr B.K.Sharma is present for the respondents. This is a matter of date of birth.</p> <p>Issue notice on the respondents to show cause as to why the application should not be admitted and the relief sought should not be allowed. Returnable on 24.11.95.</p> <p>List on 24.11.95 for show cause and consideration of admission.</p>
<p>Requisites are read &amp; considered. 4013-16</p> <p>13/9/95</p> <p>19/9</p> <p>Notice sent on R. v. 12 &amp; 3.</p> <p>19/9</p> <p>Show cause has not been filed.</p> <p>23/11</p>	<p>pg</p> <p>24.11.95</p> <p>pg</p>	<p>Member</p> <p>Member</p>

1-3-96

Learned counsel Mr.R.Dutta for the applicant is present. Written statement has not been submitted. Mr.S.Sarma seeks time on behalf of Mr.B.K.Sharma for submission of written statement. ~~Seeks time~~ for further 6 weeks. List on 26-4- 96. for hearing. In the meantime respondents are allowed to submit written statement with copy in advance to the counsel of the applicant.

*60*  
Member

lm

26.4.96

Mr S.Sarma for Mr B.K.Sharma submits that hearing may be adjourned as written statement is being submitted.

Hearing adjourned to 5.6.96. In the meantime respondents may file written statement with copy to the counsel of the applicant.

*60*  
Member

pg

18-6-96

Mr.R.Dutta for the applicant. Case is ready for hearing. List for hearing on 12-7-96.

*60*  
Member

12.7.96

Mr. R. Dutta counsel for the applicant present.

None present for the respondents.

Hearing adjourned to 18.7.96.

*60*  
Member

trd

30.5.96

Notice duly  
served on Resps  
No. 4.

Bar

31-5-96

W/s filed on behalf  
of Resps.

lm

12.7.96

Mr. R. Dutta counsel for the applicant present.

None present for the respondents.

Hearing adjourned to 18.7.96.

*60*  
Member

trd

18.7.96

Mr R.Dutta for the applicant. Mr B.K.Sharma for the respondents.

Counsel of the parties completed their submissions. Hearing concluded. Judgment reserved.

Member

pg

26.7.96

Mr. A.K.Choudhury, Addl. C.G.S.C. for the respondents.

Judgement pronounced. The application is dismissed in terms of the order. No order as to costs.

Member

trd

10-5-96

Rejoinder filed by the applicant in response to 2 W/S.

8/8/96

Copy of the Judgment issued to the parties vide S.No 2590 to 2593 D.13.8.96

8/8

For 26/7

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 162 of 1995

Date of decision 26.7.1996.

Shri Madusudan Roy Choudhury

\* PETITIONER(S)

Mr. R. Dutta

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. B.K.Sharma

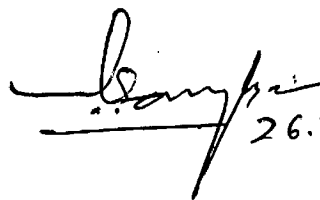
ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches? *No*

Judgement delivered by Hon'ble Administrative Member.

  
26.7.

X

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 162 of 1995.

Date of decision : This the 26th day of July, 1996.

Shri G.L.Sanglyine, Administrative Member.

Shri Madusudan Roy Choudhury,  
Son of Late M.C.Roy Choudhury,  
Supervising Assistant Station Master,  
N.F.Railway, Dibrugarh,  
Assam

..... Applicant.

By Advocate Mr. R.Dutta.

-versus-

1. Union of India  
represented by General Manager,  
N.F.Railway, Maligaon,  
Guwahati-781011.

2. General Manager,  
N.F.Railway, Maligaon,  
Guwahati-781011.

3. Chief Personnel Officer,  
N.F. Railway, Maligoan,  
Guwahati-781011

4. Divisional Railway Manager,  
N.F.Railway, Tinsukia,  
P.O. Tinsukia (Assam).

.... Respondents

By Advocate Mr. B.K.Sharma.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

The applicant was appointed as a Signaller in the N.F. Railway in the scale of Rs. 110/- - 200/- on 12.3.1963. He submitted his application for the purpose of appointment in the post stating his age on the basis of the Matriculation Certificate dated 29.7.1959 issued by the University of Gauhati in which his age as on 1.3.1959 was shown as 18 years 2 months. He claims that his date of birth is 1.1.1945 but due to some error his age was noted in the admit card and subsequent Matriculation Certificate as 18 years 2 months instead

.... of

6-7-96

of 14 years 2 months. Accordingly on this basis, he applied to the University of Gauhati for correction of his age and necessary correction was made by the University on 10.9.1973 reducing his age to 14 years 2 months as on 1.3.1959. He claims that after the correction he had submitted an appeal before the Divisional Superintendent (P), N.F. Railway, Tinsukia requesting for correcting of his age in his service file on the basis of the corrected Matriculation Certificate. There was no response by the respondents but when the matter was taken up by the N.F. Railway Mazdoor Union the General Manager had decided that the Chief Personnel Officer would hear the grievance of the applicant and decide the matter. Personal hearing was accorded to the applicant on 10.7.1992 and ultimately the applicant was informed vide letter No. ES/M-128 dated 21.7.1994 that there was no room for change of date of his birth at that stage. Hence this application seeking a direction to quash the aforesaid letter dated 21.7.1994 and to direct the respondents to correct his date of birth in his service records basing on his revised Matriculation Certificate. The respondents have resisted the claim of the applicant and submitted written statement. They have stated that the applicant had submitted the application for the post showing his age as 18 years 2 months as on 1.3.1959 and this was also supported by the Matriculation Certificate. He had also shown his date of birth as 1.1.1941 in the application. If the age of the applicant as per corrected Matriculation Certificate is correct, the applicant would not have been eligible on 22.5.1962 to apply for the post as he would be

.. underaged

7.96



underaged. The applicant would also be underage at the time of selection and would not have been eligible to appear in the selection. They categorically deny that the applicant had applied for correction for his age on 25.9.1973.

2. Learned counsel Mr. R. Dutta appearing for the applicant submitted that the applicant has got right to get his recorded date of birth altered and such alternation can be made by the competent authority of the respondents when <sup>the claim</sup> is supported by genuine documents. In this case the prayer of the applicant has been supported by the revised Matriculation Certificate. He has also contended that the applicant had submitted representation in time to the Divisional Superintendent (P), Tinsukia, who was his superior. The matter was also taken up by the Railway Union since 1984 and the Chief Personnel Officer had given him a personal hearing consequent to the order of the General Manager. Therefore the Railway Authority was not correct in saying that his date of birth could not be changed in 1994. He submitted that the applicant is entitled to have his date of birth changed on the basis of the revised Matriculation Certificate and his case is covered by the decision of this Tribunal in the case of NarendracChandra Chakraborty Vs. Union of India & Ors. reported in 1992 (3) SLJ/CAT/219. He further submitted that the contention of the respondents that date of birth cannot be altered as claimed as it would have rendered the applicant ineligible to apply for the job as he would be underage as on the relevant date is unacceptable as a minor can also be appointed in service. In this connection he relies on N.B. Bhowmick Vs. State of West Bengal and Ors. reported in 1992 (3) SLJ/CAT/77. Mr. B.K.Sharma,

..... learned

26-7-96

learned Railway Counsel, submitted that the application of the applicant cannot be entertained as it is time barred. Moreover the applicant had not only shown in his application for the post that his date of birth was 1.1.1941 but had also recorded the same date of birth in the first page of his Service Book on 17.7.1963. Further he submitted that correction of date of birth by the University without the respondents being parties to the correction is not binding on the Railway Administration. In this connection he has relied on the following orders of this Tribunal:-

1. Order dated 13.7.87 in G.C. 216/86 (N.K.Rajkhwa Vs. U.O.I).
2. Order dated 14.6.95 in O.A. 98/91 (R.C.Barua VS. U.O.I).
- and 3. Order dated 28.7.95 in O.A. 77/91 (Narendra Chandra Das Vs. U.O.I).

He also contended that the case of Shri N.C. Chakraborty above is not applicable as its facts are distinguishable from the facts obtaining in the case of the present application. In that case the applicant was above minimum age limit even after correction was made and in the seniority list the corrected date of birth was shown. These are not the facts in this case of the present application.

3. One of the issues is whether the change in the date of birth of the applicant effected by the University is binding on the employer of the applicant. In this case the date of birth originally recorded in the Matriculation Certificate was altered by the University on the request

1  
26-7-96

-5-

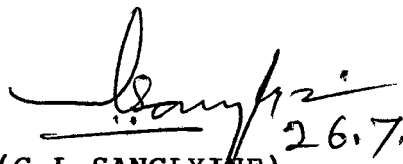
of the applicant and his employer was not a party to the said alteration of date of birth in the Matriculation Certificate. It has been the consistent view of this Tribunal as already held in the above mentioned cases relied on by the learned Railway Counsel that such change in the Date of birth is not binding on the employers. The facts in this case in this respect are similar with the facts in the above cited cases relied on by the Railway Counsel. Therefore, in the present case also, respectfully following the earlier decisions it is held that the aforesaid alteration of the date of birth in the Matriculation Certificate of the applicant is not binding on the Railway Administration. The applicant had entered service in the railway on the basis of his age as given in the Matriculation Certificate as it originally stood. No reason has been given in this application why correction of his age recorded in the Matriculation Certificate was necessary except a vague statement attributing to some error. This alleged error has not been specified. Hence it cannot be scrutinised. The fact however remains that the University had altered his age recorded in the original Matriculation Certificate by reducing his age by 4 years from 18 years 2 months as on 1.3.1959 to 14 years 2 months. The applicant was to make request in time before the Railway Authorities for their consideration of correction of his date of birth recorded in his service record after the alteration was made by the University. The applicant claims that he had submitted a representation dated 25.9.1973 for alteration of his recorded date of birth. No evidence could however be shown by the applicant as to when was the representation actually submitted by him. Annexure-2 does not disclose as to who had received

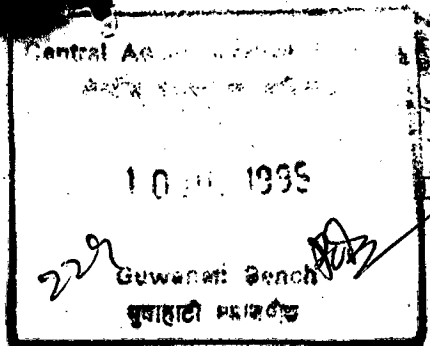
... the

26.7.96

the representation and when it had been received. The contention of the applicant in the rejoinder that it was submitted to the station is not supported by the Annexure-2 as available in records of this O.A. Annexure 2 to this Application does not throw any light as nothing is visible <sup>therefrom</sup> to support the receipt stamp, date of receipt and other particulars. On being asked for a original copy which might have been retained by the applicant during the course of hearing Mr. Dutta expressed his inability to show the same for verification. In the circumstance there is no authentic evidence to show that the representation was actually submitted on 25.9.1973 or thereabout. It cannot therefore be held that the applicant had within reasonable time reckoning from 1973 taken action for alteration of his date of birth recorded in his service records. Thus the contention of the learned counsel, Mr. Dutta, that the Employees Union had taken up the case of the applicant in 1984 or that the General Manager had thereafter issued order to look into the matter is of no help to the applicant. The matter had once already become time barred before 1984 and it cannot be revived by subsequent actions. The competent authority, Chief Personnel Officer, had examined the case of the applicant in 1994 after hearing the applicant in person and in the circumstance stated above he is justified to come to the conclusion that the case for alteration of recorded date of birth of the applicant could not be accepted.

In the light of discussion in the foregoing paragraphs I find no merit in the contentions of the applicant in this original application. The application is dismissed. No order as to costs.

  
(G.L. SANGLYINE) 26.7.96  
Administrative Member



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI.

( An application U/S 19 of A.T.Act)

O.A. No .162 of 95.

Shri M.S.Roy Choudhury ... Applicant

VS

Union of India & Others ... Respondents.

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2.	Corrected Matriculation certificate.	A/1.	9.
3.	Application dated 25.9.73 submitted by the applicant.	A/2.	10.
4.	Divisional Railway Manager , N.F.Railway, Tinsukia's letter No Es/M=128 dated 21.7.94.	A/3	11.
5.	W/s on behalf of Respond.		12 - 17.

.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI  
BENCH : GUWAHATI

( An application under Section 19 of the Administrative Tribunal Act 1985 )

O.A. No. 162 /1995.

Shri Madusudan Roy Choudhury, Son of  
Late M.C. Roy Choudhury, aged about 50  
years, Supervising Asstt. Station Master,  
N.F. Railway, Dibrugarh, Assam.

..... Applicant.

- Versus -

1. Union of India represented by  
General Manager, N.F. Railway,  
Maligaon, Guwahati - 781011.
2. General Manager, N.F. Railway,  
Maligaon, Guwahati - 781011.
3. Chief Personal Officer, ~~NR~~.  
N.F. Railway, Maligaon,  
Guwahati - 781011.
4. Divisional Railway Manager,  
N.F. Railway, Tinsukia,  
P.O. Tinsukia (Assam).

..... Respondents.

Cont ... 2.

1992(3)SLT/CAT 219

14  
R. Dutta (Ad-5005)

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

Divisional Railway Manager Tinsukia's letter No. ES/M-128 dt. 21.07.94 ( Annexure - ) refusing to correct the age of the applicant as per matriculation certificate of University of Guwahati.

2. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the Order against which the applicant wants redressed, is ~~within~~ within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :-

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

4. Facts of the Case :-

4/1. That, the humble applicant is a citizen of India and as such entitled to rights and protections guaranteed by the Constitution of India.

4/2. That, the applicant passed the matriculation examination of the Guwahati University in the year 1959.

4/3. That, on 12.03.63 the applicant was appointed as a Signaller in scale Rs. 110/- - 200/- and posted at Dibrugarh Station of N.F. Railway. The applicant was promoted as leave reserved Asstt. Station Master in the year 1977 and his post was upgraded to that of Supervisor Asstt. Station Master in the year 1984. The applicant is still working as Supervising Asstt. Station Master at Dibrugarh Station and his present pay of Rs. 2,000/-.

4/4. That, the date of the applicant is 01.01.1955 but due to some error the age of the applicant in the admit Card and subsequent Matriculation Certificate was shown as 18 year 2 months instead of 14 years 2 months. The applicant applied to the Guwahati University for correction of his age and the Registrar Guwahati University on 10.9.73 was ~~pleased~~ pleased to correct the age of the applicant to 14 years 2 months as on 1.3.1959.

A copy of the corrected matriculation Certificate is annexed herewith as

ANNEXURE - A/1.

4/5. That, at the time of applying for the post of Signaller the applicant mentioned his age as per the matriculation certificate before its correction. After the age was corrected by the Registrar, Guwahati University, the applicant

1.1.1945  
= 14-2 on  
1.2.59  
+ not 18.2



10-9-73  
applied to the Divisional Superintendent ( the  
post which has since re-designated as Divisional  
Railway Manager ) N.F. Railway, Tinsukia on  
25.09.73 for correction of his age in the service  
record.

A copy of the said application is  
annexed herewith as ANNEXURE - A/2.

4/6. That, as no response what so ever was  
received a number of reminders were issued by the  
applicant for early disposal of his representation  
dated 25.09.73.

4/7. That, as no action was taken, the  
applicant ultimately submitted the matter to N.F.  
Railway Mazdur Union, a registered trade Union of  
the Railway employees of N.F. Railway, as the said  
Union took up the matter with the General Manager  
and ultimately included the issue in the quarterly  
Permanent Negotiating Machinery ( in short PNM )  
meeting in which it was decided that the Chief  
Personal Officer will hear the grievances of the  
applicant and then will decided the matter. Accord-  
ingly, the applicant was given a personal hearing  
by the Chief Personal Officer ( respondent No. 3 )  
on 10.07.92.

4/8. That, as no decision what so ever was  
received by the applicant he persuaded the matter

and was ultimately informed by the Divisional Railway Manager, N.F. Railway, Tinsukia under letter No. ES/M-128 dt. 21.07.94, that the Chief Personal Officer is convinced that there is no room for change the date of birth of the applicant at this stage.

A copy of the said letter dt.21.7.94 is annexed herewith as ANNEXURE - A/3.

5. Ground for Relief :-

5/1. For that the impunged Orders are bad in law and fact as the applicant's actual date of birth as per Matriculation Certificate was not recorded. The Railway Administration has no authority to deny the applicant's legitimate and rightful claim.

5/2. For that the Railway authority acted arbitrarily and capriciously to deprive the applicant from his legitimate claim.

5/3. For that the applicant will suffer irreparable loss if he is retired a premature date.

5/4. For that there is no basis why the Railway Administration will not accept the

correction of the age recorded in the Matriculation Certificate by University authority and thus depriving the applicant from the legitimate right which violates the Article 14 of the Constitution of India.

5/5. For that the Matriculation Certificate is the vital documents for the proof of correct age and the same cannot be rejected by Railway Administration without any reasonable grounds.

5/6. For that in any view of the matter under the fact and circumstances of the case the applicant deserve a direction/order(s) from this Hon'ble Tribunal in granting relief as sought for hereinafter.

5/7. For that the order of Chief Personal Officer is whimsical and arbitrary and not based on any reason what so ever and violative of Principles of natural justice.

6. Relief Sought for :-

The applicant humbly prays for quashing the impugned Order at Annexure - A/3 passed by the Chief Personal Officer, N.F. Railway, Maligaon and

Cont ... 7.

for issuing directions to the respondents to correct the date of birth of the applicant as per Matriculation Certificate.

7. Details of the remedies exhausted :-

The applicant declares that he was availed all the remedies available to him under the relevant service rules and he has no other alternative and efficacious remedy except by way of filing this application.

8. Matters previously filed or pending before any other Courts :-

The applicant further declares that he had not previously filed any application, Writ application or any other suit regarding the matter in respect of which this application is made, before any other Court/Tribunal.

9. Interim Relief :-

N I L L

10. Particulars of application fees paid :-

I.P.O No. 514543 dt. 21.04.95

For a Sum of Rs. 50/- is enclosed.

Cont ... 8.

: VERIFICATION :

I, Shri Madusudan Roy Choudhury, Son of Late M.C. ~~R~~ Roy Choudhury, aged about 50 years, working as Supervising Asstt. Station Master, N.F. Railway, Dibrugarh do hereby verify that the statements made in paragraphs 1, 4, 6, 7, 8 & 10 are true to my knowledge and rests are my humble submission to this Hon'ble Tribunal and I have not suppressed any fact.

Madhu Sudan Roy  
Choudhury

✓  
Signature of the Applicant.

Dated : 1.7.95

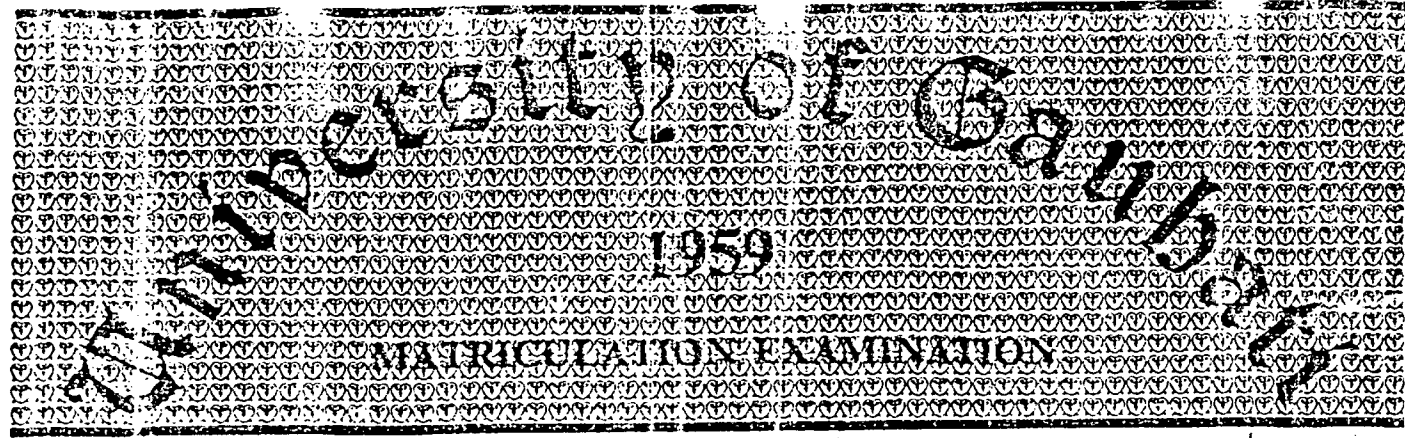
Place : Dibrugarh

22

-9-

Annex A1

8100



I certify that Madhu Sudan Roy Choudhury  
Roll Sil No. 304, aged 14 (fourteen) years 2 months on the  
First of March, 1959, duly passed the Matriculation Examination, 1959,  
of this University, and was placed in the Third Division.

GAUHATI, ASSAM

The 29th July, 1959



Registrar

*A. K. Datta*  
A. Datta, (Advocate)  
Nalgaon, Guwahati-781011.

TO,  
The Divisional Supdt. (P)  
E. F. Railway, Tinsukia.  
Dt. 25.9.73

Sir,

Subj:- Appeal for correction of age in the service file  
as per corrected certificate.

With due respect and humble submission I beg to lay before  
you the following few lines for your kind consideration.

That sir, I am submitting herewith one attested copy of my  
corrected Matriculation certificate being corrected by the Registrar,  
Gauhati University with a forwarding letter stated the cause of corre-  
ction.

Therefore, I hope, you will consider my case and necessary  
arrangement may please be made in this regards so that my age be  
corrected in the service file as per corrected certificate.

Enc: Two copies of  
attested certificate  
is enclosed herewith.

Yours faithfully,

Madhu Sudan Roy  
Choudhury  
SR/DBRT  
25.9.73

28/9

1877/92

70

or 2/7/94

24

Smt. M. S. Roy Chowdhury  
RSM/ABRT

Smt. Correction of date of birth

Ref: your application dated  
21.7.74

please refer to our office letter of  
com no. dt 20.8.72 in which G-4(P)  
rule's letter no. E/71/111/2 PV(T) dt  
dt 15.7.72 was communicated to  
you.

However, the <sup>addressed to you</sup> ~~original~~ letter ~~and~~ <sup>are</sup> appended below for your information  
and necessary action.

On going through your case in  
depth and also hearing you in person  
on 10.7.92, CPO is convinced that there  
is no room for change of your date of  
birth at this stage.

Sd/- A. A. Borkhane  
by C P I R  
for G-4(P)/MLG

In view of the above your appeal  
dt 21.7.74 is filed.

Allegis

22/7

Y ORG(P)/MSE



O.A. No. 162/95

Shri M.S. Roy Choudhury

- Versus -

Union of India & Ors.

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

The answering respondents beg to state as follows :

1. That the respondents have gone through the copy of the application on which the abovenoted O.A. Has been registered and have understood the contents thereof. Save and except the statements which are specifically admitted hereinbelow, other statements made in the O.A. are categorically denied. Further the statements which are not borne on records are also denied.
2. That with regard to the statements made in paragraphs 4.1 to 4.4 of the O.A., the answering respondents do not admit anything contrary to the relevant records. The applicant was appointed in the Railway service on the basis of the application submitted by him against Employment Notice No.1/62 Category No. 5 dated 28.5.62 with a Matriculation certificate attested by a Gazetted Officer which indicated his age as 18 years 2 months on 1st March 1959. In the "Date of birth", column, the applicant mentioned his date of birth as 1.1.51. With the corrected date of birth the age of the applicant would have been 14 years 2 months on 1st March 1959 and thus would have been under-aged so as to apply for any Government post. On 22.5.62, he would have been 16 years 4 months 21 days making him ineligible to apply for the post. Thus he could not have been appointed as a Signaller on the basis of such date of birth. Further

Advocate for the petitioner is not available for which he could not be served with the copy and he will be served upon when he is available

B. M. Mehta  
Advocate  
31.5.96

X/7.4. mth

Contd...P/2.

from the first page of Service Book it is clear that he has admitted his date of birth as 1st January 1941 with his clear signature and thumb and fingers impressions. If the corrected age in the Matriculation certificate is taken into account, the applicant would have been seventeen years 10 months 19 days at the time of selection making him ineligible to appear in the selection.

Copies of the original application, mark-sheet and first page of the Service Book are annexed herewith as ANNEXURES-A, B and C respectively.

3. That with regard to the statements made in paragraph 4.5 of the O.A., it is submitted that had he submitted the corrected Matriculation certificate of 1973, the applicant would not have been allowed to appear in the selection being under-aged. It is categorically denied that the applicant had applied for correction of his age on 25.9.73. The applicant is put to the strictest proof thereof. No such application was ever received in the office and the same is also not traceable in his 'P' case.

4. That with regard to the statements made in paragraph 4.6 of the O.A. while reiterating and reaffirming the statements made hereinabove, the answering respondents beg to state that the statements made by the applicant being vague, no effective reply can be given. As already stated above, no representation dated 25.9.73 was received in the office.

5. That with regard to the statements made in paragraph 4.7 and 4.8 of the application, the contentions made by the


applicant are denied. The Railway administration itself moved the case and on careful examination of the same, communicated the decision thereof to the applicant vide letter dated 20.8.92 and 21.7.94. The applicant has suppressed the fact of issuance of the letter dated 20.8.92 in his O.A.

6. That the respondents state that in view of the facts and circumstances stated above, no case has been made out for alteration of the date of birth and the instant O.A. is liable to be dismissed with cost. None of the grounds taken by the applicant in the instant O.A. are sustainable and the reliefs as prayed for is not admissible to the applicant. Accordingly, the instant O.A. may please be dismissed with cost.

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

I, Shri C. Laikia aged about 31 years, by occupation Railway service, working as Deputy Chief Personnel Officer of the N.F. Railway Administration, do hereby solemnly affirm and verify that the statements made in paragraphs 1 are true to my knowledge ; those made in paragraphs 3, 4, 5 are true to my information being based on records and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this the day of 28<sup>th</sup> May 1996 at Guwahati.

  
Jy. Chief Personnel Officer (Gas)  
पू. सी० रेलवे, मालगांव  
N. F. Railway, Maligaon

# NORTHEAST FRONTIER RAILWAY, PANDU.

28

(Carefully read the attached instructions before filling in the Application Form).

Application for appointment as Signalman in grade 1st 2nd the Northeast Frontier Railway Employment Notice No. 1/62 Category No. 5

IMPORTANT: This application form is valid only for advertisements issued by this Railway and not by Railway Service Commissions.

N.B.—All entries in this Form must be in ink and in the applicant's own handwriting.  
2. No Column should be left blank. If there are no particulars to be filled in write the word 'NIL'.

(96)

Name in full MADHU SUDAN RAY CHOWDHURY  
(in block letters)

Sex Male  
Whether single/married Single

(If married, state (a) (for men) if you have more than one wife living (b) (for women) if you have married a person already having a wife living).

Date of birth (Christian Era) 1-1-1941

Postal address C/o. Manik Lal Ray Chowdhury

P.O. Silchar, Malimgan, Bhowani, Cachar.

Dist./State Cachar

Nearest Railway Station Silchar  
and Railway on which situated N.E.F. Railway

Father's name late Mahim Ch. Ray Chowdhury

and his occupation NIL

Are you a member of a Scheduled Caste or Scheduled Tribe, give (a) Name of Caste (b) Name of Tribe  
NIL NIL

Religion Hinduism

Are you a member of Anglo-Indian Community? Yes  
a bonafide displaced person from Pakistan or the unliberated areas of Jammu and Kashmir, date of Migration to India 15.3.50 (displaced person)

The claim of being a Refugee must be supported by a proper Certificate.

## ACADEMICAL QUALIFICATIONS

Passed Matric or equivalent from Gauhati

University/Board in year 1959 in 3rd

Division/Class

Subjects	Maximum Marks	Marks obtained
English	300	25
Mathematics	100	33
Science 30% less (add)	100	59 29
Other subjects	200	89
Bengali	100	41
Geography	100	36
History	100	30
Additional subjects if any (Specify)	100	
Total	900	393

(An attested copy of marksheet must invariably be attached).

Passed Intermediate in year 1959 from Gauhati

University in 1959 Division/Class

Subjects	Maximum Marks	Marks obtained
English		
Mathematics		

(An attested copy of marksheet must invariably be attached).

3. Graduated from Gauhati University

year 1959 in 3rd Division/Class

Subjects	Maximum marks	Marks obtained

(An attested copy of mark-sheet must invariably be attached).

4. (a) Languages candidate can fluently speak Hindi, Bengali

(b) Languages candidate can write Hindi, Bengali

5. Particulars of other qualifications Academic, Technical Degree/Diploma Certificates etc.

Name of qualifications	Name of issuing authority	Year	Class or divisions in which passed
Telegraphy	F.E.S. Registrar, Communication Unit	1960	1st
Type Writing			1st

6. Particulars of Technical Training or Apprenticeship.

In what capacity or trade	Name of Firm or Institution	Period From To

7. Particulars of previous and present employment since leaving School/College.

Capacity in which employed and where employed (give details including address)	Period From To	If left, why
Sorter and classifier at Azam, Shillong	11.5.50 to 31.3.51	Retired

8. (a) Period of Military Service or Training (N.C.C. or A.C.O.), if any, from 1957 to 1958

(b) Other details Passed certificate Part I & II

9. Registration No. of 11523 Initials MB

number 11523 enclosures 1

Eligible Yes

Doubtful No

Ineligible No

Reasons MB 1/7

Scrutinised by MB 1/7

Checked by MB 1/7

NOTE—(Item 1 should be filled up by the Commission).

15/12/59

2.11.75

31.5.96

29

10. Did you represent your  
School.....*N.I.*  
Or College.....*N.I.*  
Or University.....*N.I.*  
Or State.....*N.I.*  
in Inter School/College/University/State Tournaments?  
Did you (captain any team)?  
If so, give details.....*N.I.*

\*Read instruction No. 9 before you fill this column.

11. Physique—  
(a) Height...*5' 11"* inches.  
(b) Chest...*32"* inches (unexpanded).  
(c) Weight...*140* lbs.

12. Personal marks of identification—  
1. *A. Male in left side of the nose*  
2. *None*

13. If a Doctor, Nurse or Dispenser give place of registration No. and date.  
*N.I.*

14. Place of birth *N.I. - Nandamayar*  
in the district of *Dr. Dighel, P. O. Can*  
State or Territory *East Sikkim*

15. State if you have—  
(a) Ever been debarred from Government or Employer  
employment? Yes or No. *No*  
(b) Previously applied for an appointment under  
the Central or State Government including  
Railways and if so, give— *No*

Name of Government and Department	Appointment applied for	Date	Result
<i>N.I.</i>	<i>✓</i>		

16. Give an itemised list of the copies of Certificates accompanying this application.  
1. *Matriculation Certificate*  
2. *Citizen Ship*  
3. *Birth Certificate*  
4. *Photography*  
5. *Medical Examination*  
6. *M.C.E. Certificate*  
7. *M.C.E.*  
8. *Matriculation 'H' Class*

FOR GOVERNMENT—(Including RAILWAY) SERVANTS  
(Endorsement by Head of Department or Office).

No. *1732* Date *22-5-62*

Forwarded to the Chief Personnel Officer (Recruitment)/N. F. Railway/Pandu,  
for disposal.

The applicant has been working in this Department/Office as.....  
in the scale Rs. *50/-* from *1-1-62* and is still in service.  
In the event of his/her being selected, there would be no objection to his/her  
being spared.

Office.....

Signature.....  
Designation *Investigation Officer*



Signature of the applicant.

FOR OFFICE USE

Communicated on.....

Initial.....

*P. T. Steel*

*2-11-75*

ANNEPORE- B

UNIVERSITY OF GAUHATI

81.

1959

MATRICULATION EXAMINATION

I certify that Madhusudan Roy Choudhury, Roll No. 10000, aged 18 years 2 months on the First of March, 1959, duly appeared for the Matriculation Examination, 1959, of this University, and was placed in the Third Division.

GAUHATI ASSAM  
The 29th July 1959.

UNIVERSITY OF GAUHATI

S/d. P. Datta  
Registrar

\*\*\*\*\*

\*\*\*\*\*

Attested  
Subscribed  
12/5/62

50-31  
50-2  
50-1  
50-0

Attested

Attested  
Cm  
Pm  
31-5-96

SERVICE BOOK

(0 G PAGE)

1. Name in full(Block Capital) SRI MADHUSUDAN ROY CHOUDHURY.
2. Father's name: Late Mahim Chandra Roy Choudhury.
3. Nationality/Caste/Religion: Indian.
4. Domicile as established:
5. Residence(in full) Malugram, P.O.Silchar, District-Cachar. Assam.
6. Date of birth : 1st January, 1941(First January nineteen fortyone)
7. Place of birth: Baramsol, Sylhet. District Sylhet.
8. Educational qualification: Matriculate.  
Passed M.A. in Eco, (2nd class) in 1970.
9. Personal mark for identification: (1) One mole on the left side of the nose.  
(2) One cut mark on the left knee
10. Left hand thumb and finger impression:

Little finger:

Ring finger:

Thumb:

Middle finger:

Fore finger:

11. Height 5' feet 4" inches.

12. Signature of the Government servant: Madhu Sudan Roy Choudhury.

17.7.63.

13. Signature and designation of the Head of the office or other Attesting Officer.

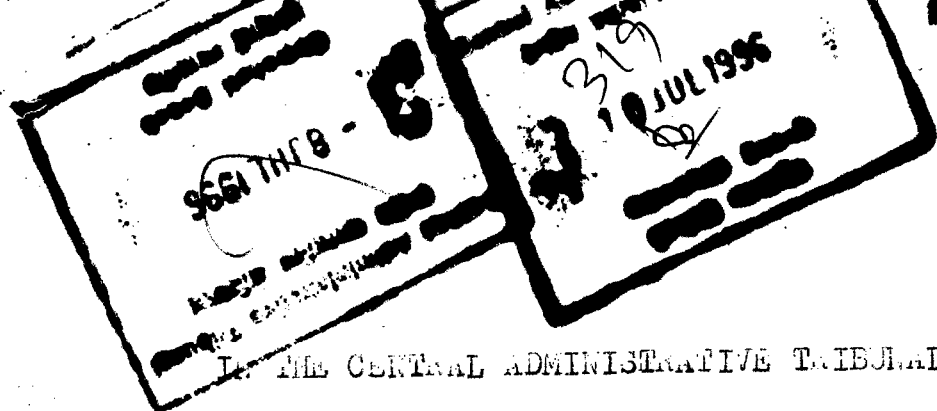
Sd/-

Attested

Sd/-

Asstt. Personnel Officer.

attested  
CMM  
21.5.96



20/6/10.7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH::GUWAHATI.

IN THE MATTER OF

Original Application No 162 of 1995

AND

IN THE MATTER OF

Madhusandhan Roy Choudhury .....Applicant

Versus

Union of India & Ors. .... Respondents.

And

IN THE MATTER OF

Rejoinder to the application in response

written statement submitted by the respondents.

The applicant humbly begs to submit as under:-

1. That with regard to statement made in para 2 of the written statement the applicant begs to submit that as stated in para 4/5 of the application the applicant at the time of applying for the post of Signaller mentioned his age as per the age recorded in the matriculation certificate as it was then i.e prior to its correction by the Gauhati University.

Subsequently on 10.9.73., Gauhati University annunced

Sub 24 10/7/96



in the Assam Tribune of 1.3.69 that the wrong ~~age~~ recorded in the Matriculation certificate can be corrected through application through the head of <sup>the</sup> institution from which the candidate appeared in the Matriculation Examination. The applicant accordingly moved the Gauhati University through the head of the institution in which he studied for correction of his age along with his horoscope, birth certificate and an affidavit from his gurdian. The head of the institution in which the applicant studied submitted the papers to the Gauhati University for correction of the age of the applicant after filling and signing the form. The documents were submitted in original and no photostat copy could be retained as the facility was not available then. However on enquiry it is understood from the university that correction papers of 1973 are still available there.

2. That with regard to statements made in paras 3 and 4 of the written statement, the applicant begs to submit that the representation dated 25.9.73 (Annex.-A/2) was submitted to the Station and despatched with seal. Non availability of it in the 'P'case of the applicant shows that the same was not even connected and properly filed.

Contd...P/3.

*10/11/73*

3. That in respect of para 5 of the written statement the applicant begs to submit that no letter dated 20.8.92 was received by the applicant as such question of his suppression ~~of~~ of the same does not arise.

4. That the applicant begs to submit that the Hon'ble Tribunal may be pleased to call for the records of the Gauhati University relating to correction of age of the applicant for perusal if deemed fit.

On the facts and circumstances as stated above and in the application, the applicant begs to submit that the Hon'ble Tribunal may be pleased to grant the relief sought in the application on the basis of the of the above or, pleased to call for the records from the Gauhati University pertaining to the correction of age of the applicant and then grant the relief for which act of kindness the applicant shall ever ~~pray~~ pray.

VERIFICATION.

VERIFICATION

I, Shri Madusudan Roy Choudhury, son of late  
M.C. Roy Choudhury, aged about 51 years, working  
as ~~Station Superintendent~~ <sup>Supervising Station Manager,</sup> N.F. Railway, Dibru-  
garh do hereby verify that the statements made  
in paras 1, 2 and 3 are true to my knowledge and the  
are my submissions to the Hon'ble Tribunal.

Dated, the 10<sup>th</sup> July  
1996.

Madhusudan Roy Choudhury  
Signature of the applicant.

.....