

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

(DESTRUCTION OF RECORD RULES, 1990)

C.P-7/2001 ordered sheet pg.1 to 2 INDEX

Closed Date- 22/5/2001

M.P-139/97 ordered sheet pg-1  
allowed Date- 16/5/97

O.A/T.A No. 118/96.....

R.A/C.P No. 7/2001.....

E.P/M.A No.....

1. Orders Sheet O.A-118/96 Pg. 1 to 11
2. Judgment/Order dtd. 09/12/99 Pg. 1 to 5 Disposed
3. Judgment & Order dtd. .... Received from H.C/Supreme Court
4. O.A..... 118/96 Pg. 1 to 15
5. E.P/M.P..... 139/97 Pg. 1 to 3
6. R.A/C.P..... Pg. 1 to 18
7. W.S..... Pg. 1 to 11
8. Rejoinder..... Pg. 1 to 7
9. Reply..... Pg. 1 to 8
10. Any other Papers..... Pg. .... to .....
11. Memo of Appearance..... Pg. .... to .....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

W-8 in CP-07/2001 Pg-1 to 13

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

DA No. 118/96

MP No. (DA )

RA No. (DA )

UP No. (DA )

Applicant(s)  
Sri. A. S. Das

VERSUS  
Union of India & Ors.  
Mr. M. Chanda

RESPONDENT(S)

Mr. J. L. Sarkar, A. Advocate for the Respondents.

Office Notes

Date

Court's Orders

This application is in  
form of p. 517  
C. E. No. 346315  
ITC RD No. 201656  
dated ...

24.7.96

As requested by Mr. Chanda,  
list for admission tomorrow i.e. on  
25.7.96:

60  
Member

trd

25-7-96

Learned counsel Mr. M.  
Chanda for the applicant. Mr. J. L.  
Sarkar for the respondents.

This application is prima  
facie time barred. However Mr. Chanda  
submits that he can satisfy  
that the application is within  
time.

Mr. J. L. Sarkar opposes this  
application on the ground that  
it is time barred.

Application is admitted,  
subject to the decision of limita-  
tion at the time of final hearing.

Issue notice on the respon-  
dents by registered post. List for  
written statement and further  
orders on 30-8-96.

60  
Member

lm

25-7-96

23.8.96

~~Notice~~  
Notice and order  
issued passed to the  
concerned parties vide  
No. 2764 DR. 27.8.96.

2 parts are still wanted  
and not been filed.

30.8.96

Mr M.Chanda for the applicant. No written statement has been submitted.

List for written statement and further orders on 23.9.96.

6.9.96

Notice duly served  
on respondent No. 3.

pg  
m  
30/8

6  
Member

fbw

W/J/Stationed - hs not been  
6/11

20/9

23.9.96

Learned counsel Mr M. Chanda for the applicant. Mr S. Sarma for Mr J.L. Sarkar, learned counsel for the respondents, submits that six weeks time may be allowed for filing written statement.

List for written statement and further orders on 11.11.96.

6  
Member

W/J/Stationed - hs not been  
6/11

nkm  
m  
21/11

11.11.96

None present.

Written statement has not been submitted:

List for written statement and further orders on 2.12.1996.

6  
Member

W/J/Notice duly served  
on ap. No 3.

W/J/Stationed - hs not been  
6/11

trd

m  
11/11

2-12-96

Mr.M.Chanda counsel for the applicant. Mr.J.L.Sarkar counsel for the Railway. "ritten statement has not been submitted. List for written statement and further order on 20-12-96.

1) Notice duly served on  
Respt. No-3

2-12-96

Mr. M. Chanda counsel for the applicant

2) Written statement has  
not yet filed.

Mr. J. L. Sarkar counsel for the ~~xxx~~  
Railway. Written statement has not been  
submitted. Service report <sup>or</sup> respondents  
No.1 & 2 are awaited.

List for written statement and fur-  
ther order on 20-12-96.

lm

69  
Member17-1-97

written statement 20.12.96  
has not been submitted.

21

Learned counsel Mr. M. Chanda for  
the applicant. Learned counsel Mr  
J. L. Sarkar for the respondents. Mr. Sarkar  
submits that the respondent Nos. 1 and 2  
have not been served, and therefore,  
written statement cannot be submitted.

List for written statement and  
further orders on 20.1.1997.

20.2.97

1) 6 (Six) times  
adjourned on  
written statement.

nkm

2) Memo of  
appearance has not  
been filed.

20-1-97

Mr. M. Chanda counsel for the  
applicant. Written statement has not  
been submitted. Mr. A. Ahmed for Mr. J. L.  
Sarkar counsel for the Railway advo-  
cate submits that one month time may  
be granted for filing written state-  
ment by the respondents.

List for written statement and  
further order on 21-2-97.

13-3-97

1) Notice duly served  
on R. No-3.

2) No written statement  
has been submitted.

lm

M  
20/1

21-2-97

69  
Member

Mr. M. Chanda counsel for the  
applicant is present. Written statement  
has not been submitted. Further 3 weeks  
time is extended to submit written  
statement.

List for written statement and  
further order on 14-3-97.

JK

Vice-Chairman

lm  
M  
5/3

(4)

CA 118/96

14.3.97

Written statement has not been filed. Mr. Sarker, learned Railway counsel prays for further extension of time to file written statement. Form the order sheets it is seen that several adjournments, have been allowed. I am not inclined to grant any further extension.

List it on 2.5.97 for hearing.



Vice-Chairman

trd

6/213

2-5-97

On the prayer of Mr. M. Chanda learned counsel appearing on behalf of the applicant case is adjourned to 6-6-97, for hearing.



Vice-Chairman

lm

6/5

2-6-97

16.5.97

List on 11.7.1997 for hearing.



Vice-Chairman

6.6.97

On the prayer of Mr. M. Chanda, learned counsel for the applicant, this case is adjourned for hearing to 8.8.97.



Vice-Chairman

nkm

6/216

1.5.97  
Written statement  
not yet filed by  
the respondents. But  
case is already fixed  
for hearing.

box

2-6-97  
In terms of  
order dated 16-5-97  
passed in MP 139/97  
written statement  
filed on behalf of  
respondents No - 1 to 3.

29-7-97  
Rejoinder filed on  
behalf of the applicant  
at page - 27 to 38.

29

8.8.97 On the prayer of Mr J.L. Sarkar learned Railway counsel the case is adjourned to 12.8.97.

  
Vice-Chairman

PG  
9/3  
11/3

12-8-97

Memo of appearance  
filed by Mr. J.L. Sarkar (2.8.97) Adjourned to 12.9.97.  
Learned Railway  
Standing Counsel  
By order

JK

12-9-97 Adjourned to 16.1.98.

W/S and Rejoinder has  
been filed.

By order

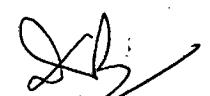
15/1

16.1.98 Adjourned to 6.3.98.

By order

W/S and Rejoinder has  
been filed.

6.3.98 On the prayer of Mr J.L. Sarkar, learned Railway counsel, the case is adjourned till 8.5.98.

  
Vice-Chairman

nkm

JK  
9/3

W/S and Rejoinder has  
been filed.

8.5.98 Adjourned to 10.7.98.

By order

19.

9/7

w/s and Rejoinder has been filed

20/7

10.7.98 On the prayer of Mr M. Chanda,  
19 learned counsel for the applicant this case is adjourned till 31.7.98.

  
Vice-Chairman

nkm

25/7

31.7.98 There is no High Court.  
20. List on 21.8.98.

By order

21.8.98 Mr J.L. Sarkar, learned Railway Counsel, has submitted that there is some doubt so far the age of the applicant is concerned, because only a duplicate certificate has been produced before this court. He also submits that there is also a possibility of changing the date in the University. These things normally do not reflect in the duplicate certificate. Therefore, it becomes necessary for this Tribunal to ascertain what was the date of birth shown in the original matriculation certificate. Mr M. Chanda, learned counsel for the applicant prays for an order to direct the Assistant Registrar of the Gauhati University to be present with the relevant records to show what was the date of birth/age of the applicant originally shown at the time of matriculation examination. I find this is a reasonable submission of Mr Chanda. Accordingly the Assistant Registrar is directed to be present before this Tribunal on 4.9.98. Applicant shall bear the cost of the witness.

List it on 4.9.98.

  
Vice-Chairman

Please Comply  
Order dtd 21/8/98

25/8/98.

26.8.98

Copy 2 order dtd.  
21.8.98 issued to  
the Asst. Registrar  
by Regds/Post ride  
P.O. 2336 dt. 26.8.98.

Please  
w/s and Rejoinder has  
been filed

26/9

nkm

25/8

## Notes of the Registry

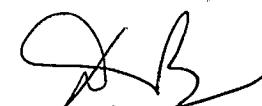
## Date

## Order of the Tribunal

4.9.98

Mr M.Chanda, learned counsel for the applicant prays for adjournment due to his personal difficulties.

List on 18.9.98 for hearing.

  
 Vice-Chairman

pg

8/19

18.9.98

Adjourned to 23.10.98

by order

8.9.98  
 A letter has been  
 receipt from Asstt.

Registrar (Admon)  
 Gauhati University

regarding date & time  
 Disqualification Sri  
 A. S. Das.

23.10.98

On the prayer made on behalf of Mr J.L. Sarkar, learned Railway Counsel, the case is adjourned till 6.11.98.

  
 Vice-Chairman

6.11.98

It has been mentioned that Mr J.L. Sarkar, learned Railway Counsel is indisposed. Accordingly the case is adjourned till 20.11.98.

Born  
8.9.98

nkm

20.11.98

Copy of order dtd.  
 4.9.98 issued to  
 the Asstt. Registrar  
 by Regd/ post  
 file No.

By order dated 21.8.98 this

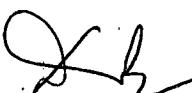
Tribunal directed the Assistant Registrar, Gauhati University to be present before this Tribunal on 4.9.98. On 4.9.98 however, the Assistant Registrar, Gauhati University did not come and the case was adjourned on the prayer of the learned counsel for the applicant. Thereafter this case was fixed on three different dates

Contd....

for Reply filed on  
 behalf of The respondents.  
 against The Respondent  
 filed by The applicant.

for  
Reply  
 w/s, Adjourned & Reply  
 against Adjinder vs  
 sum 1000/- 17/9

Notes of the Registry	Date	Order of the Tribunal
W.S., Rejoinder and Reply to the Summons	20.11.98	and on those days also the Assistant Registrar, Gauhati University was not present. Today the case has been fixed. It is learnt that Assistant Registrar, Gauhati University has not turned up as per the order of this Tribunal.
STH		Issue notice to show cause why contempt proceeding shall not be drawn up for non-compliance of the order of this Tribunal. Notice is returnable by 4.12.1998.
PL-comply order dtd 20/11/98.		Mr. M. Chanda, learned counsel for the applicant prays for two weeks adjournment. Mr. J. L. Sarkar, learned Railway Counsel has not objection. Accordingly the case is adjourned till 4.12.1998.
23.11.98 Copy of order and Notice issued to the Asstt. Registrar, Gauhati University on.		Office to take immediate steps for issue of notice. Counsel of the applicant shall also take necessary steps for sending notice.
23.11.98 1) Service reports is still awaited. 2) Written statement Rejoinder and Reply to the Rejoinder has been filed.	trd 23/11/98 4.12.98	Copy of the order may be furnished to the counsel of the applicant for taking necessary steps.
23.12.98 PL information order dtd 4/12/98.	23/12/98	Mr. H.A. Chakraborty, Asstt. Registrar, Gauhati University has personally appeared before this Tribunal. He also informs this Tribunal that the date of birth of the applicant was 1.5.1937, i.e. on 1.3.1953 he was 15 years 11 months as per the matriculation certificate. On further


 Vice-Chairman

## Order of the Tribunal

## Notes on the Registry

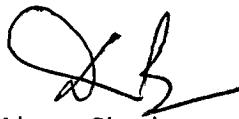
## Date

10-12-98  
Written Statement  
Rejoinder and  
Reply to the Rejoinder  
has been filed

4.12.98

query Mr Chakraborty informs this Tribunal that there was no subsequent change of the applicant's age. Mr Chakraborty's personal presence is dispensed with.

On the prayer of the learned counsel for the parties the case is adjourned till 11.12.98 for hearing.



Vice-Chairman

nkm

11  
7/12/98

11-12-98

There is no representation. Case is adjourned to 8-1-99 for hearing.

By Order



8.1.99

On the prayer of Mr M. Chanda, learned counsel for the applicant this case is adjourned till 22.1.99.



Vice-Chairman

nkm

22-1-99

On the prayer of counsel for the parties case is adjourned to 5-2-99.

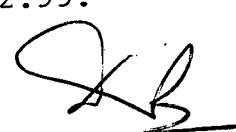


Vice-Chairman

nkm

5.2.99

On the prayer of Mr M. Chanda, learned counsel for the applicant, this case is adjourned till 12.2.99.



Vice-Chairman

nkm

## Notes of the Registry

## Date

## Order of the Tribunal

25-2-99  
Written Statement  
Rejoinder and  
Reply to the Rejoinder  
as per W.W.

12.2.99

On the prayer of Mr. M.Chanda, learned counsel for the applicant the case is adjourned till 26.2.99.

  
Vice-Chairman

25-2-99

4-3-99  
The case is ready  
for hearing.

trd

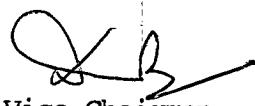
25-2-99

26.2.99

Adjourned to 5.3.99

5/3  
Re

On the prayer of Mr. M.Chanda, learned counsel for the applicant the case is adjourned till 12.3.99.

  
Vice-Chairman

4-3-99

25-3-99  
The case is ready for  
hearing.

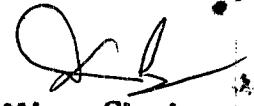
trd

12-3-99

Adjourned to 26-3-99.

By order

On the prayer of Mr. M.Chanda, learned counsel for the applicant case is adjourned to 9-4-99.

  
Vice-Chairman

8-4-99

8-4-99  
The case is ready  
for hearing.

trd

9.4.99

On the prayer of counsel for the parties case is adjourned to 28.4.99.

  
Vice-Chairman

26-4-99

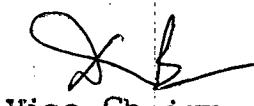
26-4-99  
The case is ready  
for hearing.

trd

26-4-99

28.4.99

On the prayer of Mr. J.L. Sarkar, learned Railway counsel the case is adjourned to 7.5.99.

  
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p><u>27-5-99</u>  <u>The case is ready for hearing</u>  <u>SD 27/5</u></p>	7.5.99  trd	<p>On the prayer of Mr. M.Chanda, learned counsel for the applicant the case is adjourned till 28.5.99.</p> <p> Vice-Chairman</p>
	28.5.99	<p>Hearad learned counsel for the parties. Hearing concluded. Judgement reserved.</p> <p> Vice-Chairman</p>
<p><u>28.12.99</u>  <u>Copy of the Judgment has been sent to the I/See for issuing the same to the parties through Regd. with SD.</u>  <u>SD</u>  <u>4282 vide J. No. 4282 to 4286 dt.</u>  <u>28.12.99.</u>  <u>SD</u>  <u>SD</u></p>	trd	<p>Judgment pronounced in open Court, kept in separate sheets. The application is disposed of in terms of the order. No order as to costs.</p> <p> Vice-Chairman</p>

## Notes of the Registry

## Date

## Order of the Tribunal

Order of the Tribunal  
1963-62-59-10-2  
1963-62-59-10-2

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. .... 118 ..... of 1996

9.12.1999  
DATE OF DECISION.....

Shri Ardhendu Sekhar Das,

PETITIONER(S)

Mr. M. Chanda.

ADVOCATE FOR THE  
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. J. L. Sarkar

ADVOCATE FOR THE  
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN.

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

  
RESPONDENT(S)

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No.118 of 1996.

Date of decision : This the 9th day of December, 1999.

HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

Shri Ardhendu Sekhar Das,  
Ex-Chief Commercial Inspector, Grade-I,  
N.F.Railway,  
Son of late Haran Chandra Das,  
P.O. Ulubari, Behind Hotel 'Shiva'  
Mukti Jujrah Path,  
Guwahati-781007.

Applicant

By Advocate Mr. M.Chanda.

-versus-

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

2. Divisional Railway Manager(P),  
N.F.Railway,  
P.O. Lumding,  
District-Nagaon  
Assam

3. Chief Personnel Officer,  
N.F.Railway  
Maligaon  
Guwahati

Respondents

Respondents

By Advocate Mr. J.L.Sarkar.

O R D E R

BARUAH J.(V.C.).

In this application the applicant has challenged the date of birth and the date of superannuation as calculated by the respondents and also the Annexure-3 letter dated 6.2.95 issued by the Divisional Railway Manager, N.F.Railway, Lumding refusing to alter the date

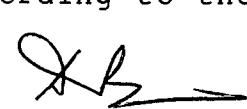
Contd..



of birth on the appeal submitted by the applicant and seeks other reliefs :

Facts as stated by the applicant are :

The applicant was initially appointed Junior Clerk through the Railway Service Commission, Allahabad in the month of March 1957. At that time he was matriculate. He passed his matriculation examination in the year 1953. According to him, his date of birth as indicated in the matriculation certificate is 1.5.1937 in as much as the certificate showed that he was 15 years 10 months on the first day of March, 1953. The applicant further states that at the time of making entries in the form he gave the correct date of birth i.e. 1.5.1937. He further submitted attested copies of necessary documents including the matriculation certificate. All those were verified at the time of entry into service. Railway authorities also verified all original certificates in the office of the Chief Personnel Officer, Gorakhpur of N.E. Railway and since his joining he had been serving the said Railway and on bifurcation of N.E. Railway he served the N.F. Railways in different capacities. Later on he was promoted to the post of Chief Commercial Inspector Grade-I. The case of the applicant is that as per matriculation certificate his date of birth was 1.5.1937 and accordingly he would reach the age of superannuation on the expiry of 30.4.1995. However Railway Authorities issued notice of retirement asking the applicant to retire on superannuation on the expiry of 28.2.1995 vide impugned Notice dated 8.5/6.94. In this connection the applicant further states that all along he showed his date of birth as per his matriculation certificate. According to the applicant

  
Contd...

asking him to retire on the expiry of 28.2.1995 was without verifying the original records. On receipt of the notice of retirement the applicant submitted representation dated 21.12.1994 with a request for correction of his date of superannuation. He also claimed that he had submitted the original documents. This representation was addressed to the Divisional Railway Mnager(P), Lumding, N.F.Railway. However the N.F. Railway informed him by a letter dated 10.1.1995 asking him to submit all the necessary pension papers. In the meantime he lost his original matriculation certificate issued by the Gauhati University in 1963. An FIR was lodged on 21.3.1963. On such FIR and after verifying other documents the Gauhati University issued a duplicate certificate. This duplicate certificate was also lost on 5.5.1994. Situated thus, the applicant again applied for yet another copy of matriculation certificate. The Gauhati University was pleased to issue another certificate of matriculation. According to the applicant this certificate also showed the correct date of birth i.e. 1.5.1937. Besides in the seniority lists prepared on 1.4.1990, 1.4.1991 and 1.4.1994 also showed the correct date of birth as per matriculation certificate i.e. 1.5.1937. However the authorities wrongly forced the applicant to retire on the expiry of 28.2.1995. The applicant according to his matriculation certificate was entitled to continue his service till the expiry of 30.4.95. The contention of the applicant is that due to arbitrary decision of the respondents on the basis of wrong calculation he was asked to retire prior to reaching of the age of superannuation.



Contd...

2. In due course the respondents have entered appearance and filed written statement. The applicant has also filed rejoinder. In the written statement the respondents have stated that the Chief Commercial Superintendent(Personnel) by his letter dated 18.11.1965 directed the applicant to submit the original matriculation certificate for verification of his date of birth. The applicant however informed the Railway administration that his matriculation certificate had been lost and he approached to the University. He further stated the certificate in question as duplicate of the original would be submitted as soon when received from the University. But for about 29 years he did not submit the same. On 21.12.1994 he submitted a photocopy of a duplicate matriculation certificate. At that time he also stated that his duplicate certificate was also lost. The respondents have denied the averments made by the applicant in the Original Application. Certain documents have been annexed with the written statement. These annexures also showed that the applicant was directed to produce original matriculation certificate. In the rejoinder also the applicant reiterated what he has stated in the Original Application. In the case records I see a copy of the duplicate certificate of matriculation.

3. Heard both sides. Mr. Chanda learned counsel appearing on behalf of the applicant submitted before me that a duplicate certificate was issued by the University showing the actual date of birth i.e. 1.5.1937 but the copy of the representation of the applicant is not before this Tribunal. It is not possible for this Tribunal to decide this matter. I feel Gauhati University can help the authorities to come to a



correct decision. I made endeavour to find out the correct date of birth of the applicant from the Gauhati University also. But I feel the matter require further investigation.

4. On hearing the counsel for the parties I dispose of this application with direction to the respondents to take up the matter with the Gauhati University and find out the correct date of birth and if actually the applicant's date of birth as shown in the matriculation certificate i.e. 1.5.1937 is found correct surely the applicant was entitled to continue upto 30.4.1995. As the period has already elapsed in case date of birth of the applicant is 1.5.1937 in the matriculation certificate he is entitled only the pecuniary benefits. This must be done as early as possible at any rate within a period of two months from the date of receipt of this order.

5. Considering the facts and circumstances of the case, I, however make no order as to costs.



(D.N. BARUAH)  
Vice-Chairman

trd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No. 118 of 1996

Sri Ardhendu Sekhar Das

-versus-

Union of India & Ors.

LIST OF DATES

Sl.No.	Dates	Particulars	Para	Page
1	28.2.95	The applicant retired from Railway Service as Chief Commercial Inspector Grade I.	6.1	4
2	March, 1957	The applicant was initially appointed as Junior Clerk on the month of March, 1957. He passed his matriculation examination in the year 1953. The date of birth of the applicant is 1.5.1937. (Annexure 1)	6.2	4
3	8.5/6.94	Applicant was served impug- ned notice of retirement from the Railways Authority asking him to retire on 28.2.95, wrongly treating his date of birth as 1.3.1937 instead of 1.5.1937 as recorded in the Matriculation Certificate. (Annexure-2).	6.3	5

1	2	3	4	5
4.	<u>2.12.94</u> <u>10.1.95</u>	Applicant submitted representation after receipt of the notice of retirement with a request to correct his date of superannuation on the basis of the date of birth as recorded in his matriculation certificate and he was asked to submit necessary pension papers.	6.4	6
5.	6.2.95	The D.R.M(P) informed the applicant that his appeal was put up for consideration to the Chief Personnel Manager, Maligaon and the Chief Personnel Officer did not accept the alteration of the date of birth and as such the date of retirement remained unchanged as declared earlier. (Annexure-3).	6.6	7 & 8

PRAYER :

In the circumstances aforesaid it is thus prayed that the Hon'ble Tribunal be pleased to direct the Respondents to correct the date of birth of the applicant as per his matriculation certificate and upon correction of the same give the applicant all consequential service benefits till the date of his actual retirement i.e. 30.4.1995.

22

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

O.A. NO. 161/96

Sri Ardhendu Sekhar Das

- Versus -

Union of India & Ors.

List of Dates

<u>Sl. No</u>	<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
1.	28.2.95	The applicant retired from Railway Service as Chief Commercial Inspector, Grade I.	6.1	4
2.	March 1957	The applicant was initially appointed as Junior Clerk on the month of March 1957. He passed his matriculation ex- amination in the year 1953. The date of birth of the applicant was 1.5.1937.	6.2	4
3.	8.5/6.94	Applicant was served impugned notice of retirement from the Railways Authority asking him to retire on 28.2.95, wrongly treating his date of birth as 1.3.37 instead of 1.5.37 as	6.3	5

Contd...2

<u>Sl. No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
		as recorded in the Matriculation Certificate.		

Annexure-2

4.	<u>21.12.94</u> <u>10.1.95</u>	Applicant submitted representation after receipt of the notice of retirement with a request to correct his date of birth as recorded in his matriculation certificate and he was asked to submit necessary pension papers.	6.4.	6
5.	<u>6.2.95</u>	The D.R.M (p) informed the applicant that in his appeal was put up for consideration to the Chief Personnel Manager, Maligaon and the Chief Personnel Officer did not accept the alteration of the date of birth and as such the date of retirement remained unchanged as declared earlier.	6.6	7 & 8

Annexure - 3.

Prayer:-

In the circumstances aforesaid it is thus prayed that the Hon'ble Tribunal be pleased to direct the Respondents to correct the date of birth of the applicant as per his matriculation certificate and upon correction of the same give the applicant all consequential service benefits till the date of his actual retirement i.e. 30.4.95.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Form No.2  
I See Rule 11(b) I

Report on the scrutiny of Application

DAIRY NO : 3/0

Date of presenta-  
tion : 4/7/96

Presented by.....

Applicant(s) Mrs. M. Choudhury, etc.

Respondent(s) Sh. T. L. Sarkar, etc. etc.

Nature of grievance Delay in hearing

No. of applicants 1. (One).....

No. of Respt(s) 3. (Three)

CLASSIFICATION

Subject.....(No. ....)

Department.....Rly......  
(No. ....)

1. Is the application in the proper form : yes
2. Whether name, description and address of all the parties been furnished in the cause title ? : yes
3. (a) Has the application been duly signed and verified ? : yes  
(b) Have the copies been duly signed ? : yes
4. (c) Have sufficient number of copies of the application been filed ? : yes *or copies*
5. Whether English translation of documents in a language other than English or Hindi been filed ? : no
6. Is the application in time ? : yes
7. Has the Application/Memo of appearance/authorisation been filed ? : yes
8. Is the application maintainable ? : yes
9. Is the application accompanied by IPO/DD for Rs. 50/- ? : yes *IPO No. 346315* *RB 52*
10. Has the impugned orders original/duly attested been filed ? : yes
11. Have legible copies of the annexures duly attested been filed ? : yes
12. Has the index of documents been filed and pagination done properly ? : yes
13. Has the applicant exhausted all available remedies ? : yes
14. Has the declaration as required by item 7 of Form I been made ? : yes
15. Have required number of envelops bearing full address of the respdts. been filed ? : yes
16. (a) Whether the relief sought for arises out of single cause of action : yes  
(b) Whether any interim relief is prayed for ? : yes
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant ? : no
18. Whether this case can be heard single Bench : yes
19. Any other point : yes, S/B
20. Result of the scrutiny with initial of the scrutiny clerk : Mr. M. Choudhury

SECTION OFFICER (J)

1/2 DEPUTY REGISTRAR

5/7/96

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI-5.  
INDEX SHEET.  
Original Application CASE NO. 118/96

25

Sri A. S. Das

APPLICANT(S)

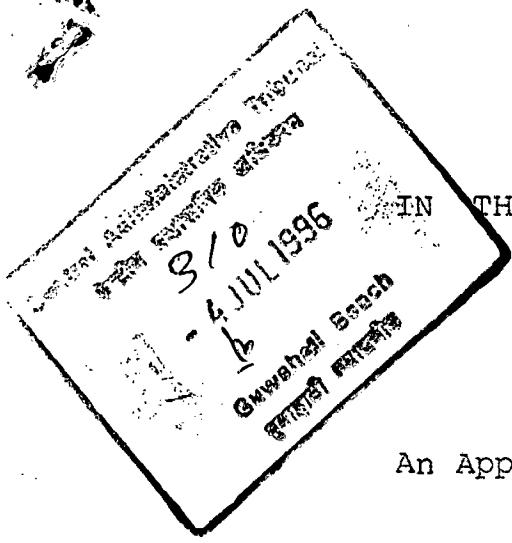
vrs.

Union of India vs.

RESPONDENT(S).

Sl. No. DESCRIPTION OF DOCUMENTS. PAGE NO.

1. Application with Annexure-1-15.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

O.A. No. 118 /96

Sri Ardhendu Sekhar Das

-versus-

Union of India & Ors.

I N D E X

S. I. NO.	Annexure	Particulars	Page No.
1	-	Application	1-11
2	-	Verification	12
3	1	Matriculation Passed Certificate	13
4	2	Notice dated 8.5/6.94	14
5	3	Letter dt. 6.2.95	15

Copy is handed  
over to Sri J. L. Sarker  
Advocate  
for Railway  
Chalan  
Adv.  
26-6-96.

Date : 26-6-96.

Filed By :

  
Ardhendu Sekhar Das  
Advocate

Ardhendu Sekhar Das

26  
Filed by the applicant  
Sri M. Chakraborty  
26-6-96, Advocate

1. Particulars of the Applicant

Sri Ardhendu Sekhar Das,  
Ex-chief Commercial Inspector, Grade-I,  
N.F. Railway,  
Son of ~~Railway~~ late Haran Chandra Das  
P.O. Ulubari, Behind Hotel 'Shiva'  
Mukti Jujarh Path,  
Guwahati-781007

..... Applicant

2. Particulars of the Respondents

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

2. D.R.M. (P),  
N.F. Railway  
P.O. Lumding,  
District-Nagaon  
Assam

3. Chief Personnel Officer,  
N.F.Railway  
Maligaon  
Guwahati

..... Respondents

Ardhendu Sekhar Das

3. Particulars for which this Application is made.

This application is made against the order premature order of superannuation on retirement issued by the N.F.Railway, Maligaon in respect of the applicant. The correct date of birth of the applicant is 1.5.1937 accordingly the applicant is liable to be retired on superannuation on 1.5.1995 i.e. on 30th April, 1995 whereas the respondents due to wrong calculation issued the pre-mature order of superannuation on retirement vide impugned retirement notice issued under letter No. EET/Cadre/Retire/33 dated 8.5/6.94 by D.R.M(P), Lumding calculated the wrong date of birth as 1.3.1937 and served the impugned retirement notice asking the applicant to retire with effect from 1.3.95 i.e. 28.2.1995 and also praying for a direction upon the respondents to treat the applicant in continuation in service upto to 1.5.96 i.e. 30.4.95 and also to pay all consequential service benefits and monetary benefits to the present applicant treating the date of superannuation on retirement on 1.5.95 i.e. 30.4.95.

4. Limitation

That the applicant declares that this application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

5. Jurisdiction

That the applicant declare that the subject matter of this Application is within the jurisdiction of this Hon'ble Tribunal.

Ardhendu Sekhar Das

6. Facts of the case

6.1 That the applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. The applicant retired from Railway Service as Chief Commercial Inspector, Grade I on 28.2.1995 on superannuation.

6.2 That the applicant initially appointed as Junior Clerk in the month of March 1957, ~~the applicant then~~ ~~was~~ after through the Railway Service Commission, Allahabad in the month of March 1957. At the relevant time the applicant was a matriculate. Be it stated that he had passed his matriculation examination in the year 1953. The date of birth of the applicant was recorded in the matriculation passed certificate issued by the Gauhati University as 15 years 10 months on 1st March 1953. Therefore his correct date of birth stands as 1.5.1937 at the time of filling up of his necessary Service Commission's Forms. Be it also stated that the applicant at that relevant time he had correctly filled up the Service Commission's Form putting the correct date of birth recorded as in the said matriculation certificate as on 1.5.1937 and also submitted the attested copies of necessary documents including matriculation certificate and the same was duly verified with the original certificate by the Railway Service Commission. At the time of entry into the service the railway authorities also verified the original certificates in the office of the CPO, Gorakhpur of N.E. Railway prior to bifurcation of N.E. Railway.

Ardhendu Sekhara

*Duplicate*

A copy of the Matriculation passed certificate is annexed as Annexure-1.

6.3 That your applicant thereafter continuously served in the Railway Service and after bi-furcation served the N.F. Railway in different capacities and finally he was promoted to the post of Chief Commercial Inspector Grade-I in the pay scale of Rs. 2375-3500. The applicant as per his correct date of birth interms of original matriculation certificate he is legally entitled to continue in railway service/Govt. service till 1.5.1995 i.e. 30.4.95. Most surprisingly the railway authorities served the impugned retirement notice asking the petitioner to retire on superannuation on 1.3.95 i.e. on 28.2.95 vide D.R.M(P)'s impugned letter No.EET/Cadre/Retire/33 dated 8.5/6.94 treating wrongly his date of birth as 1.3.1937 and served the notice of retirement of superannuation on retirement on 1.3.95 i.e. on 28.2.95. In this connection it may be stated that the applicant all along furnished the correct date of birth to the railway authorities but most surprisingly the railway authorities issued the pre-mature retirement notice without verifying the original records of the applicant which was submitted by the applicant at the entry into the service.

*of the Petition*

A copy of the impugned notice dated 8.5/6.94 is annexed as Annexure-2.

6.4 That on receipt of the impugned order of superannuation with effect from 1st March 1995 i.e. 28.2.95 the applicant immediately submitted a representation dated 21-12-94 with a request for correction of his date of superannuation as

*Ardhendu Lekhansar*

per original documents submitted by the applicant. This representation was addressed to ~~General Manager (R)~~ D.R.M(P), Lumding, N.F. Railway. However the railway authorities informed the applicant vide their letter No. E/FS/3(A Settlement) dated 10.1.1995 asked the applicant to submit all necessary pension papers after filling up the same.

6.5 That your applicant begs to state that he had lost his original matriculation certificate issued by the Gauhati University in the year 1963 and accordingly an F.I.R. was lodged on 21.3.63 as a result the authority of the Gauhati University issued a duplicate ~~certificate~~ matriculation certificate in respect of the applicant in the year 1963 itself. The N.F. Railway vide their letter No. 540E/1233(T) of 18/19.11.65 asked the applicant to submit the Original Matriculation Certificate. However the applicant vide his reply dated 25.11.65, intimated that the same would be submitted as soon as the duplicate copy of matriculation certificate is issued by the Gauhati University. Thereafter, duplicate certificate was issued by the Gauhati University but unfortunately the duplicate certificate issued by the Gauhati University was subsequently lost on 5.5.94. However the applicant again ~~not~~ applied for another duplicate copy of matriculation passed certificate and the Gauhati University was pleased to issue the same on 27.10.94. In this connection it may also be stated that in the seniority list the date of birth of the applicant also shown as 1.5.1937 in the seniority list as 1.4.90, 1.4.91 and also on 1.4.94, the copies of

Ardhendu Sekhars

seniority list urged to be produced at the time of hearing of this application.

6.6. That on receipt of the representation of the applicant the General Manager (Personnel) Maligaon, requested the DRM, Lumding to examine the case of the applicant vide General Manager's (P) letter No.E/254/84/Pt.V(T) dated 29.11.94. Thereafter the D.R.M(P) vide his letter dated 6.2.95 informed the applicant that his appeal was put up to Chief Personnel Officer, Maligaon for decision, in connection with alteration of his date of birth. But the C.P.O. did not accept the alteration of date of birth of the applicant therefore the retirement date of the applicant is fixed as intimated earlier i.e. 1.3.95 (28.2.95) remain unchanged. The applicant is being highly aggrieved with the latter dated 6.2.95 finding no other alternative approaching this Hon'ble Tribunal for redressal of his grievances by filing this instant Application. The applicant begs to state that on the basis of the Matriculartion Certificate the applicant was initially allowed to appear in the interview before the Railway Service Commission, Allahbad and after being duly selected all original certificates were submitted before the authorities and the same was duly verified and recorded by the respondents at the entry into the service. Therefore in terms of matriculation certificate the applicant is legally entitled to continue in railway service till 1.5.95 i.e. 30.4.95, on completion of 58 years of age. But the railway

*Ardhendu Sekhar Das*

authorities on the basis of a wrong calculation issued the impugned notice of retirement and wrongly forced the applicant to retire on superannuation on 1.3.95 i.e. on 2.95. In this connection the applicant pray before this Hon'ble Tribunal to for the relevant records and Service Book of the applicant for ascertaining the correct position as the railway authorities refused to alter the date of birth on the basis of the representation of the applicant. Be it stated that the applicant did not retain the copy of the representation. Therefore the applicant could not annexed the copy of the representation. However the same is available with the respondents and the Hon'ble Tribunal be pleased to direct the respondents to produce the copy of the representation of the applicant for perusal of the same.

*A copy of the letter dated 6.2.95 is annexed.*  
*Annexure-3*

6.7 That due to arbitrary decision of the respondent on the basis of wrong calculation of his date of birth for retirement on superannuation has caused an irreparable loss to the applicant. Therefore it is a fit case where Hon'ble Tribunal is required to interfere in this matter and further be pleased to direct the respondents to treat the applicant in continuous in service under the respondent till 1.5.95 i.e. upto 30.4.95 and further be pleased to direct the respondents to pay all consequential service benefits as well as monetary benefits.

6.8 That this application is made ~~Bonafide~~ and for the ends of justice.

*Ardhendu Sek*

9. Reliefs sought for :

Under the facts and circumstances stated above, the applicant prays for the following reliefs :

1. That the respondents be directed to treat the applicant in continuous railway service till 1.5.95 i.e. upto 30.4.95 and also treat the applicant's date of superannuation on retirement as on 1.5.95 i.e. on 30.4.95 and also be directed to pay all consequential service benefits and monetary benefits to the applicant treating the date of superannuation on 1.5.95 i.e. on 30.4.95.
2. That the impugned order of superannuation on retirement notice issued under letter No. EET/Cadre/Retire/33 dated 8.5/6.94 and DRM(P)'s letter No. ES/332-A(T) dated 6.2.95 be set aside and quashed.
3. That the respondents be directed to rectify all relevant records and Service Book of the applicant treating the date of superannuation as on 1.5.95 i.e. on 30.4.95 on the basis of Matriculation Certificate issued by the Gauhati University in respect of the applicant.
4. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated above in this application.
5. Costs of the case.

Ardhendu Sekhar Das

The above reliefs are prayed on the following amongs other-

-G R O U N D S-

1. For that as per Matriculation Passed Certificate the applicant's correct date of birth is 1.5.1937 therefore he is legally entitled to retire on superannuation from Govt. service on 1.5.95 i.e. on 30.4.95.
2. For that the applicant submitted the Original Matriculation Certificate to the Railway Service Commission, Allahabad as well as to the concerned railway authorities at the relevant time of selection at the initial entry into railway service for verification and the same certificate is also verified and recorded into the service book of the applicant.
3. For that the applicant submitted representation to the General Manager (P), Maligaon for alteration of date of superannuation on retirement but the same was refused by the respondents without verifying the records of the applicant.
4. For that the applicant had served the railways since 1957 therefore he acquires a valuable and legal rights for superannuation on the basis of his correct date of birth as per his Matriculation passed certificate.

*Ardhendu Sekhar Das*

5. For that the applicant cannot be allowed to suffer due to wrong calculation or wrong entry by the respondents into his service book and records.
6. For that due to pre-mature retirement from service the applicant suffered a financial loss on account of negligence of the respondents.

8. Interim Relief sought for.

During the pendency of this application the applicant do not pray for any interim relief but pray for the expeditious disposal of this application.

9. The applicant declares that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

10. That the applicants further declares that he has not filed any other application on this subject matter before any other Tribunal/Court.

11. Details of I.P.O.

Postal Order No. - 09 346315

Date of Issue - 20.6.96

Issued from - G.P.O., Guwahati

Payable at - G.P.O., Guwahati

12. Details of Index

An index containing the details of documents are enclosed.

13. List of enclosures

As per Index.

Ardhendu Sekhar Deka

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

I, Sri Ardhendu Sekhar Das, son of late Haran Chandra Das, P.O. Ulubari, Behind Hotel Shiva, Mukti Jugaj Path, aged about 60 years do hereby solemnly affirm and declare that the statements made in this application are true to my knowledge and belief. I have not suppressed any material facts.

And I sign this verification on this the 26/6  
day of June, 1996.

Place : Guwahati

Ardhendu Sekhar Das

SIGNATURE

*ARDHENDU SEKHAR DAS*

/COPY/

UNIVERSITY OF GAUHATI

No. 000107

1953

MATRICULATION EXAMINATION  
(Duplicate Certificate)

I certify that Ardhendu Sekhar Das

Roll Sil No. 281, aged 15 (Fifteen) years 10 (Ten)

months   x   days on the First of March, 1953  
duly passed the Matriculation Examination, 1953 of  
this University and was placed in the Third Division

Countersigned by

Sd/- Illegible

GAUHATI, ASSAM

Registrar

The 21 July, 1953

Sd/- P. Dutta  
Registrar

Date : 27.10.94

*Ardhendu  
Sekhar  
Das*

## N.F.RAILWAY

PROVISIONAL SENIORITY LIST OF CI/CMI GR.I IN SCALE RS.2375-3500/- (RPS) AS ON 1.4.1994 OF COMMERCIAL DEPTT.

TOTAL NO. OF POSTS : 33

CI/CMI Gr. I, II & III : Authority : GM(P)'s Memo No. E/41/271 (CommL) Rest/

SN	N A M E	Comm-unity	Designa-tion	Working under	Date of birth	Date of appoint-ment	Date of promo-tion in scale	Date of pro motion in scale	AGS(T) dt.
							2375/-	23.6.93 & 4.4.94	
							2000/-		
							3500/-		
									REMARKS

31	Sri A.S.Das	UR	CI/CMI Gr.I	DCM/LMG SOM/SENX MkSx	1.9.37	13.3.57	28.1.92	1.4.94	
----	-------------	----	----------------	-----------------------------	--------	---------	---------	--------	--

N.F.Railway

Office of the Divl. Railway Manager  
Lumding

No. ES/332-A (T)

Dated 6.2.95

To

Sri Ardhendu Sekhar Das  
CGMI working under ADRM/GHY

Sub : Alteration of date of birth.

Ref : Your appeal to DRM/LMG  
No. Nil dated 21.12.94.

With reference to your appeal cited above you are hereby informed that your appeal was put upto CPO/MLG for his decision in connection with alteration of date of birth. CPO/MLG has not accepted the alteration of date of birth. Hence your date of retirement on 28.2.95 as intimate earlier vide DRM(P)/LMG's No. ET/Cadre/Retire/83. Dtd. 8.5/6.94 will stand unchanged. You must fill up your L.D. forms with fail.

This is for your information please.

Sd/- Illegible

for Divl. Rly. Manager (P)  
N.F.Rly., Lumding

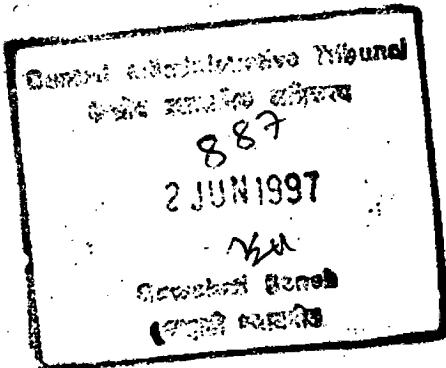
Copy to APO/GHY for information please.

Sd/-

for Divl. Rly. Manager (P)  
N.F.Rly., Lumding

A.H.S  
A.H.S  
A.H.S  
A.H.S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI.



OA No. 118/96

Sri A.S. Das

VS

UOI & others

In the matter of

Written statement filed on  
behalf of the respondent No.

1, 2 & 3.

The respondent No. 1, 2 & 3 respectively beg to state  
as under :-

- 1) That the respondents have gone through the original application filed by the applicant and understood the contents therein.
- 2) That the applicant has filed ~~an~~ application after his retirement and the same is grossly barred by limitation and deserves to be rejected on the threshold on that count ~~alone~~ alone.
- 3) That in this connection it is stated that by letter No. 540/E/1233(T) dtd. 18-11-65 issued by the Chief Commercial Superintendent (Personnel), N.F.Railway, Panu the applicant was asked to submit his original matriculation certificate for verification of date of birth.

14-5-97

The applicant by his letter Dtd. 25-11-65 stated that the original certificate had been lost and he had referred the same to the University. He also stated that the certificate in question as duplicate copy in original would be submitted as soon as received from the University. But for about long 29 years he did not submit the same. On 21/12/94 he submitted his application along with a photocopy of a certificate claimed to be duplicate matriculation certificate. It is also mentioned that the applicant stated that the certificate was lost on 27-10-94 though in the attested copy submitted, the same has been shown as countersigned by the Registrar of Guwahati University on 27/10/94. In this connection the respondents beg to refer to the statements of the applicant in para 6.5 of the original application. The applicant has never produced his original matriculation certificate. In the circumstances the <sup>age</sup> date recorded in the photocopy of the alleged matriculation certificate cannot be taken to be authentic.

Photostat copies of the letter Dtd. 18-11-65 and 25-11-65 are marked as Annexure R/1 and R/2 respectively.

4) That the correctness of the statement of the applicant in paras 6.2 to 6.4 that his age is recorded as 15 years 10 months on the 1st March of 1953 is denied. The applicant has not produced any authentic document in proof of his age even though specifically asked to submit the same vide letter dtd. 18/11/65. The application form submitted before the Rly. Service Commission as stated by the applicant is not available in this office of the respondents.

AS stated, in the Service Book of the applicant the date of birth has been recorded as 1-3-1937. Following records will show the date of birth as 1-3-1937.

- i) Opening page of the Service Book.
- ii) 'A' Card and 'B' Card.

These records have been filled up by the applicant in his own handwriting at the time of his appointment.

5) That in reply to the statement in paras 6.5, 6.6 and 6.7 of the application the respondents deny the correctness of the statement and also do not admit that FIR was lodged on 21-3-63 as alleged. As explained in the para 6.2 above, it is stated that the applicant has made contradictory statements. It is stated that he has never produced original matriculation certificate. As regards the statement regarding the seniority list it is stated that the seniority list is not the authentic record for date of birth and the same reflects the seniority position of the employees in the cadre. The date of birth is recorded in the Service Book. If a wrong date is reflected in the seniority list, the applicant cannot derive any undue benefit on that. The date of birth recorded in the basic records i.e. Service Book shall control the service of the applicant.

6) That the respondents beg to state that in all records of the applicant the date of birth is written as 1-3-37. For correct appraisal of the Hon'ble Tribunal,

the respondents beg to state that in the years 1967 and 1969 the applicant had applied for appointment in other departments out of ~~Rly's~~ through proper channel. The official notes prepared by the dealing assistants routing through the concerned Gazetted Officers upto officer of administrative rank show the date of birth as on 1-3-37.

Photostat copies of the noting at PP/37,42,43,44 & 45 are enclosed and marked as annexures as R/3,R/4, R/5,R/6 & R/7 respectively.

7) That in the facts and circumstances explained above, the respondents humbly submit that the application deserves to be dismissed with cost.

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

I, Sri Nitya Nanda Thakur, son of late Ban Mohan Thakur aged about 47 years, by occupation Rly. service, working as Divisional Personnel Officer, N.F.Railway, Lumding do hereby solemnly affirm and state that the statements made in paras 3,4,5 & 6 are true to my knowledge and information being matters of records and rests are my humble submission before this Hon'ble Tribunal.

*Nitya Nanda Thakur*  
Divisional Personnel Officer,  
N.F.Railway, Lumding.

For and on behalf of UNION OF INDIA.

75

~~Annexure - R-1~~

SN 79

N. F. Railway

No: 540 E/1233 (T)

Dated. 18 Nov. Nov. 1965

19

To: Shri Ardhendu Sekhar Das, Sr. Clerk,  
CCS: claims office, Pandu.

Through Os, Claims

Sub:- Date of Birth

Please produce your original  
Metrculation Certificate within  
25th Nov. 65 positively to enable this office  
to verify yours date of birth with this  
office record.

For Chief Commercial Surveyor (T),  
N.F. RAILWAY, PANDU

9c A 1965

Aradh  
T.S.  
S.D.

Answer - R-2

4b

Answer - 1

SN 83

MSM ET

25/11/65

To: CCS(P)  
N. F. Rly. Maligaon.

Suh:- Date of Birth.

Ref:- Your letter No. 540E/1233(T)  
of 18/19-11-65.

---

Sir,

I beg to state that the original  
Matriculation certificate is lost and the  
matter is being referred to the University  
concern.

However, the certificate in question,  
as duplicate copy in original will be submitted  
as soon as received from the University.

Dr. 25-11-65

Yours faithfully,

A. D. N. D. S. B. B. H. A. S.  
ccs/claims officer  
N. F. Rly. Pardu

Sub  
D/S  
993

PP 37  
1967

N. SN 121

Shri Srinathulu Sekar, 32, Clerk  
attached to Claims Branch of CCS's office has  
submitted an application for the post of  
a Labour Officer in tenure response to UPSC's  
advertisement at SN-121/1, and requested to  
forward the application to the Secretary.

Shri Sekar has filled up other  
conditions for applying for the post

If his application is forwarded  
and if he is selected for the post offered to  
he will have to sever all connections with the  
Railway. To the resultant vacancy will be filled by  
suitable staff. His service particulars are appended below:

Date of birth — 1-3-37  
Date of app'tl — 13-3-57  
Sub. pay — Rs. 143/- in Scale Rs. 110-180/-  
offg. Pay — Rs. 155/- in Scale Rs. 130-300/-  
Perm/Temp — Permanent

whether SAC case  
pending against him? — No.

It is mentioned that he did  
not apply for any post outside the Ry during  
the year 1967.

My CCS's approval is necessary  
before the case is put up to CPE for forwarding  
the application.

Submitted

20/10/67

DMS/DO/DO

APC/T

CCS/Claims B-121

by CCS's

CPE - 121

Approved

PP-42  
368.

Annex - R-4

23 -  
48

Ref: Notings & orders at the bottom of pp. 4

A draft letter is put up on SR side  
(or your signature please).

PP-42

Mark  
14/6/88.  
D.D.  
15/6

Re: SN-132

Shri Ardhendu Sekhar Das, Sr. Clerk under ~~coffidans~~  
has submitted one application for onward transmission in  
terms of advertisement at SN under disposal.

In this connection, it is mentioned that  
Shri Das has not fulfilled the required qualifications for  
the above position into the above cadre.

Submitted for orders please, by the  
application may be returned to Shri Das.

PP-42

Deals to S.P.K. H...

PP-42  
20/6/88  
14/6/88

11/8

ET

Re: SN-132.

Shri Ardhendu Sekhar Das, Sr. Clerk attached  
to Claims Branch/MR, has submitted an application  
for the post of Deputy Regional Director under ~~coffidans~~  
(Placed at SN Side) for onward transmission to the  
Secretary, UPSC/Min. of Home Affairs in response to its advertisement  
at SN under disposal.

D.D.  
12/6/88

Contd. P. 2

Contd from 16. 42.

PP. 43

1969

N.I. I.D.Y. Pres. P/160 - Nov. '67 - 3,00,000 Forms

- 24 -

99

Shri Das has fulfilled the conditions required for the post, but has not enclosed the Postal Order for Rs. 800 in absence of which the application will not be entertained by the UPSC.

If it is agreed to forward the application, and Shri Das is selected for the post applied for, he will have to sever all connections with the Railway & the resultant vacancy, will have to be filled up by surplus staff when available.

His service particulars are appended below:-

Date of birth - 1-3-37

Date of offl - 13. 3. 57

Sub. Pay - Rs. 160/- in Scale 18. B0-380

Perm/Temp - Perm.

Whether SAR. Case pending NO

My co-claims's approval is necessary for forwarding the application.

W/6 APO/11 In Approved Submitted  
by co-claims Dated - 27/6/68

OS(c)

128778

1984-0

Abo (D)

Dated 27/6/68  
by co-claims

No: 600 Noting & endorsement at pg. 13

A Forwarding letter is placed at SN side  
for signature purpose, if required.

APC (C)

Submitted

1/16

3/1/77

4/7/77

Re: - SN-138

Shri Archendra Sekhri Das Secretary (c) has submitted  
an application for the post of Administrative Officer, Grade II  
(placed at SN side) for onward transmission to the Secretary  
Union Public Service Commission, New Delhi in response to the  
Advertisement No. 31 at SN-139.

He has fulfilled the conditions in the past except the  
(condition) age limit. As per condition 16, candidate  
must be 30 yrs and below on 1-1-69, but now his age  
limits will be slightly relaxed to, save in exceptional circumstances  
and will in no case be relaxed beyond a limit of 3 yrs.  
(tag 'i'). His service particulars are given below: -

Date of birth = 13.3.37

Date of appointment = 13.3.55

Post = 1. Clerk (130-300/-)

Whether P.H.P. case is pending? - No.

As may be known by the concerned officers (c) may kindly decide if the application  
has to be rejected or forwarded at the same time the question of filling  
① the post in case of the above mentioned vacancy in the concerned department  
and a suitable candidate may also be asked into  
for consideration.

Submitted - Please

1/2/1979  
P.S.

Sub  
D.G.

Forwarded with a copy of SN-505  
Signature Please

Also (7)

83100 1510  
SN-505

7/10  
7/9

Log: SN-1511

Shri, Arvinda Sekhri Das, is employed as  
Maliwan Das. Submitted an application for the post  
of Manager, Grade I and requested this office to  
forward his application to the Secretary, Union  
Public Service Commission, Dhakai House, Post  
Box No: 186, New Delhi vide, at SN-505. His disposal  
service particulars of Mr. Das are furnished below.

- 1) B/Forth — 1-3-37.
- 2) J.F. App. — 19-3-57.
- 3) Sub. Post — Sr. Comm in Govt. B-130-3071-  
1681.
- 4) Present Pay — 1681.
- 5) Permanent Job Tmp. — Permanent.
- 6) Whether B.R. is pending against him — No.

If it is decided to forward his application  
it may be forwarded with this stipulation  
that he will be spared only when his  
vacancy is available in his place. The vacancy  
may be filled up by the surplus staff  
as & when available. This does not apply in the  
event of the vacancy during his tenure.  
by C.S./C.P.M's approval is necessary. If  
approved, his signature may please sign at page 5 of application form (FIA).

Submitted at place

By 7/10

Arvinda Sekhri Das  
7/10/68

Log: above

The last date for submission of the  
application is on 30-3-70 vide at SN-505 but  
the original application should ordinarily reach  
the Commission within a fortnight after the  
closing date as per instructions vide at SN-505.  
However the application may be forwarded  
submitted pl.

Arvinda Sekhri Das  
7/10/68

27

BENCH ADMINISTRATION  
GUWAHATI BENCH

1134  
10. III. 1997

~~Guwahati~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.  
GUWAHATI.

Filed by the applicant  
through N. D. Goswami  
Advocate  
30. 7. 97

In the matter of -

O.A. 261/96. II 8/96

Shri A. S. Das. .... Applicant.

-Versus-

Union of India & ors. .... Respondents.

-And-

In the matter of -

Rejoinder submitted by the applicant.

The applicant abovenamed most humbly and respectfully begs to state as under :-

1. That the applicant denies the correctness of the statements made in para 2 & 3 of the written statements and further beg to state that the applicant for the first time, came to know about the wrong entry of date of birth vide DRM (P) Lumding letter No. ET/Cadre/Retire/838-5/6-94 during his entire service period. Therefore, there was no scope to challenge the same, before issuance of the impugned retirement notice issued letter dated 8-5/6-94, as such, the application is well within the period of limitation. It is true that the applicant lost the

A copy is served  
upon Mr. J. L. Sankar  
Adv.

Adv.  
30/7/97

matriculation.....

30/7/97

matriculation certificate on two occasions, on the first occasion 21.3.63 ~~approx~~ and again on 5.5.1994 which would be evident from F.I.R. dated 6.5.94 lodged to Gosaigaon Police Station, affidavit dated 8.7.94 and affidavit dated 7.10.1968. It is ought to mention that the original matriculation certificate was verified by the service commission at the time of interview and Railway Authority also verified the same, immediately after his appointment to Railway Service.

A copy of duplicate, Matriculation Certificate issued by the Registrar, Gauhati University, on 27.10.94 is enclosed herewith for perusal of the Hon'ble Tribunal as well as the F.I.R. dated 6.5.94, Affidavit dated 8.7.94 and 7.10.94 are enclosed as Annexure - 4, 5, 6 and 7 respectively.

2. That the applicant categorically denies the statements made in paragraphs, 4, 5, 6 and 7 of the Written Statements and also begs to state that the applicant reiterates the statements made in the original application, and the duplicate matriculation certificate is the most authentic document for verification of age. Moreover, the original Matriculation Certificate was verified by the Railway Authorities immediately after the appointment of the applicant in the Railway Service and especially

when.....

- 3 -

when the applicant made an appeal against the wrong recording of date of birth it is the obligation of the Respondents to verify the same, and rectify the incorrect date of birth recorded in the service book of the applicant. The applicant is not responsible for non availability of application submitted before the service Commission, as the Respondents are Custodian of Service Book of the applicant. The date of birth recorded in service book and in 'A' Card and 'B' Card, are incorrect. The seniority list is one of the important document, which was published by the Railway Authority, showing the correct date of birth of the applicant, therefore, the same is required to be taken into consideration for ascertaining the actual date of birth of the applicant.

In the circumstances stated, the application deserves to be allowed with cost.

#### VERIFICATION.

I, Shri Ardhendu Shekhar Das, son of late Haran Chandra Das, resident of Ulubari Gauhati, aged about 61 years, do hereby declare and verify the statements made in paragraphs 1 and 2 are derived from the records, and the same are true to my knowledge and belief.

Place - Gauhati

Date - 28/7/97

Ardhendu Shekhar Das.

Signature.

Annexure - 4.

From : Ardhendu Sekhar Das  
58/A Nambari Rly. Colony,  
Guwahati - 781011.

To : The Officer-in-Charge,  
Gosala Police Station,  
Guwahati - 781011.

Sir,

Sub:- I zuhar for cost of my Matriculation certificate issued by the Guwahati University in the year 1953. Register No. 1768 of 1955.

While I was returning by Bus from Guwahati to Gosala, Maligaon, the above Matriculation Certificate issued by the Guwahati University in my favour in the year 1953 along with Rs. 200/- (Two hundred) pick pocketed from my custody on 5.5.94.

In this circumstances I would request you to arrange to enquire into the matter and I shall be highly obliged to issue one certificate for the lost of the above, so that, I ~~can~~ can get issued one Duplicate Matriculation certificate from the University.

Yours faithfully,

Ardhendu Sekhar Das,  
(ARDHENDU SEKHAR DAS).

Dated Gosala Maligaon the

6th May, 1994.

Entered Msligaon O.P.

vide G.D.E. No. 112.

dt. 6.5.94.

*Aradhendu Sekhar Das*

A F F I D A V I T.

~~XXXXXXXXXX~~

I, Arghendu Sekhar Das, son of late Haren Chandra Das aged about 57 years, a resident of 58/A Nambari Rly. Colony, Guwahati -781011, P.S. Jalukbari Dist. Kamrup, by occupation a Railway Employee do hereby solemnly affirm.

1. That I have passed the Matriculation Examination of the Guwahati University in the year 1953 from Cachar High School, Silchar and I duly received the matriculation Certificate from the University and for my further studies after my admission in College I have also duly received the Guwahati University Registration No. 1768 of 1955.
2. That on 5.5.94 while I was travelling by Bus from Guwahati to Gosala Maligaon inter alia my above mentioned Matriculation Certificate was lost. I have lodged F.I.R. with the OC/Gosala Maligaon O.P. vide G.D.E. No.112 dt.6.5.94 in this connection.
3. That I am going to apply for a duplicate Certificate from the University for age proof of my Service record before retirement.

The above facts is true to the best of my knowledge and I hereby solemnly affirm this affidavit before the Magistrate, Guwahati on this 8th Day of July, 1994.

Identified by me.

Shri Himadri Shekhar Das.

Sd/- Arghendu Sekhar Das

Signature.

Sworn before me.

Sd/- 8.7.94.

Magistrate.

*(Handwritten signature of Magistrate)*

Annexure - 6.

A F F I D A V I T.

I, Ardhendu Sekhar Das, son of late Haran Chandra Das, aged about 2 years, a resident of 58/A Nambari East, Gauhati-II P.S. Jalukbar, Dist. Kamrup, by occupation a Railway Employee do hereby solemnly affirm.

1. That I passed the Matriculation Examination of the Gauhati University in the year 1953. from Cachar High School, Silchar and I duly received the Matriculation Certificate from the University.
2. That on 18.12.62 while travelling in a passenger train my suitcase containing inter alia my abovementioned Matriculation Certificate was lost. I lodged an F.I.R. with G.R.P.S. Gauhati in this connection.
3. That I am going to apply for a duplicate certificate from the University.

The above fact is true to the best of my knowledge and I hereby solemnly affirm this affidavit before the Magistrate, Silchar on this 7th day of October, 1968.

Ardhendu Sekhar Das,  
Identified by me.

Signature.

Sd/- Illegible.

Sworn before me.

Sd/- Illegible.

Magistrate.

Seal.

..... S.

*Aradhendu  
Sekhar Das*

Annexure - 7.

UNIVERSITY OF GAUHATI.

1953-

MATRICULATION EXAMINATION.

No. 000107.

(Duplicate Certificate).

~~xxxxxxxxxxxxxxxx~~

I certify that Ardhendu Sekhar Das, Roll Sil  
No. 281, aged 15 (fifteen) years, 10 (Ten) months x days  
on the First of March, 1953, duly passed the Matriculation  
Examination, 1953 of this University and was placed in the  
Third Division.

GAUHATI, ASSAM.

The 21 July, 1953.

Countersigned by.

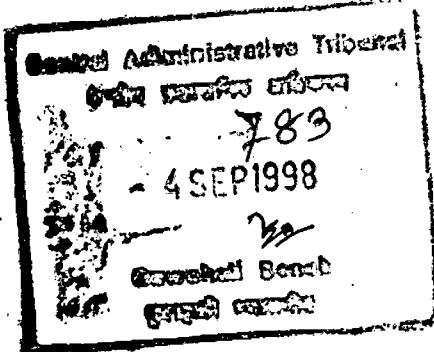
Sd/- Illegible.  
Registrar,

Sd/- P. Dutta,  
Registrar.

Date - 27.10.94.

*Aradhendu  
Sekhar  
Das*

In the Central Administrative Tribunal,  
Guwahati Bench Guwahati.



In the matter of  
OA 118/96

and

IN the matter of  
Shri A.S.Das.....Applicant.

Vs

Union of India & Other Respondents

and

In the matter of

Reply  
13. Written statement to the rejoinder  
submitted by the applicant.

That your respondents humbly and respectfully beg to  
to state as under:-

- 1) That your respondents have gone through the rejoinder submitted by the applicant and understood the content therein.
- 2) That the applicant filed the OA to treat the date of his superannuation retirement as on 1/5/95 in place of 1/3/95 as the applicant alleges that he had to retire earlier due to the wrong entry of date of birth in his service records by the respondents and also for the direction to the respondents to pay accordingly all consequential benefits treating the date of superannuation as on 1/5/95.

Contd...2-1

35

(2)

3) That in reference to the para- 1 of the rejoinder your respondents state that vide Chief Commercial Superintendent/ p/ Maligaon's letter No.540/E/1233(T) dt. 18/11/65 the applicant was asked to produce his original matriculation certificate to verify his date of birth with the Office records. Obviously this was done at the early stage of the applicant's service life. But in reply to that the applicant submitted on 25/11/65 that the original certificate had been lost and the matter was being referred to the University. He also stated that the certificate in question as duplicate copy in original would be produced as soon as received from the University. But for about 29 years since 1965 to December 1994 he had neither submitted the duplicate certificate nor even the photostate copy of the same.

That the applicant stated in this para that he had lost matriculation certificate on two occasions first on 21/3/63 and again on 5/5/94. It makes clear beyond doubt that the applicant had in possession the matriculation certificate during the period of 29 years in the interval from 21/3/69 to 5/5/94. But he kept it concealed and did not produce though he assured vide letter dated 25/11/65 that he would produce the same to your respondents.

That in the letter dtd: 25/11/65 the applicant replied that 'the matter is being referred to the University concerned' and in the affidavit as Annexure-6 to the rejoinder the applicant stated in Para- 3 'I am going to apply for a duplicate certificate from the University'. It is to be noted that the affidavit was issued on 7/10/68. These two statements clearly suggested that the applicant was contradictory to his earlier assurance on 25/11/65. Further if the statements on these above two dates are taken true then he did not even take any initiative from

18/11/65 to 7/10/68 to produce the original certificate in duplicate. Such inordinate delay on the part of the applicant is an intentionel and deliberate one.

That the applicant states that he had lost the certificate for the second time on 5/5/94 and for which he lodged a FIR which is annexed as Annexure-4 to the rejoinder. Now, when he lost the certificate for the first time on 21/3/63 surely he would have lodged a similar FIR and if he had really lodged a FIR he would have annexed it to the OA or rejoinder. But the applicant ha s not annexed any such copy. While he is so much loud on the FIR in 1994, is totally silent on this point of first FIR.

That in this connection referrence may be made to the para-6 of the OA. In that para the applicant stated that when he lost the original matriculation certificate in 1963 he got the duplicate original certificate issued in 1963 itself and again in 1994 he lost the same certificate. It indicates that from 1963 to 1994 he had in his possession the duplicate original certificate and yet he did not produce the same to your respondents though asked for . In the circumstances the reply of the applicant vide his letter dtd: 25/11/65 and statement in para-3 of the affidavit marked as Annexure- 3 to the rejoinder are false and misleading to your humble respondents.

-4-

That in the representation of the applicant dated 21/12/94 the applicant stated in his own handwriting that the certificate was lost on 27/10/94. But in Para-1 of the rejoinder and 6.5 of the O.A the applicant states that he obtained the original duplicate certificate issued on 27/10/94. Here also the applicant is contradictory in statement.

The photostate copies of the letter dtd: 18/11/65, 25/11/65 and 21/12/94 are annexed herewith and marked as Annexure- R/8, R/9 and R/10 respectively. 18

2) That in reference to the issue of service commission from the seniority list, all the statement of the applicant are rebutted and does not deserve to have any merit at the issuance of the letter dtd: 18/11/65 by your respondents and on the facts stated in the preceding para and WS to the OA

The statement of the applicant that he did not get any scope, is also denied. The man who slept over the issue of date of birth from his early stage of service life to the last stage of retirement i.e. for about 29 years, he can not state that there was no scope to challenge the recorded date of birth.

3) Under the facts and circumstances stated above your humble respondents beg to state that OA and the rejoinder deserves to be dismissed with cost and your lordship please be kind enough to dismiss the same with cost.

(5)

Verification

I, Shri Kiwa Sherpa, by occupation Railway service, working as Divisional personnel Officer, N.E.Rly. Lumding do hereby solemnly affirm and verify that the statements as made in para 1 & 2 are true to my knowledge as based on records and the rest is my humble submission.



21.6.98  
Lumding

21.6.98  
p. do  
Divisional Personnel Officer  
D. D. Officer & Lumding

- 6 -

39

4

SN 79

N. E. RailwayNo: 540 E/1233 (T)

Dated: 18th Nov. 1965

To: Shri Ardhendu Sekhar Das, Sr. Clerk,  
CCS/claims office, Pandu.

Through OS/Claims

Sub:- Date of Birth

Please produce your ~~signed~~  
original Metriculation Certificate within  
25th Nov. 65 positively to enable this office  
to verify yours date of birth with this  
office record.

Jy 18/11

For Chief Commercial Supdt (P),  
N.E. RAILWAY, PANDU

9c H 18/11

A/12/20

- 7 -

40

SN 83

MGM ET,  
N. F. Rly., 28/11/65

To: CCS(P)  
N. F. Rly. Maligaon.

Sub:- Date of Birth.

Ref:- Your letter No. 540E/1233(T)  
of 18/19-11-65.

---

Sir,

I beg to state that the original  
Matriculation certificate is lost and the  
matter is being referred to the University  
concern.

However, the certificate in question,  
as duplicate copy in original will be submitted  
as soon as received from the University.

Df. 28-11-65

Yours faithfully,

Arbindul Beharow.  
ccs/ claims officer.  
N. F. Rly. Parade

993.

A. B. P. S. D.

