

50/100

13

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

CP-7/2001 ordersheet pg-1 to 2 INDEX

closed Date-22/5/2001

MP-139/97 ordersheet 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.....

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3. Judgment & Order dtd.....Received from H.C/Supreme Court

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH

✓ DA No. 118/96
MP No. (DA)
RA No. (DA)
CP No. (DA)

Br. A. S. Dan APPLICANT(S)
VERSUS

Union of India & Ors. RESPONDENT(S)

Mr. M. Chanda Advocate for the applicant.

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

Office Notes Sd/- Court's Orders

This is in
form of
C. A. No. 346315
dated 20.6.96
by Registrar

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

23.8.96

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

since 2 parts are still awaited.
Hence not yet filed.

27/9/96

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.

Member
Member

pg
30/8

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.

Member
Member

nkm
21/9

11.11.96

None present.

Written statement has not been submitted.

List for written statement and further orders on 2.12.1996.

Member
Member

trd
11/11

2-12-96

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

6.9.96

Notice duly served on respondent No. 3.

Done

W/statement - has not been filed.

20/9

W/statement - has not been filed.

Notice duly served on op. No 3.

W/statement - has not been filed.

29/11

1) Notice duly served on
Respt. No-3

2-12-96

2) Written statement has
not yet filed.

Mr.M.Chanda counsel for the applicant

Mr.J.L.Sarkar counsel for the ~~xxx~~
Railway. Written statement has not been
submitted. Service report ^{on} respondents
No.1 & 2 are awaited.

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

lm

ba
Member

17-1-97

written statement 20.12.96
has not been submitted.

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.

ba
Member

20.2.97

1) 6 (six) times
adjournment on
written statements.

nkm

2) Memo *ba*
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 ~~advoc~~
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.

ba
Member

13-3-97

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

2/ No written statement
has been submitted.

lm

ba
20/1

21-2-97

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.

ba
Vice-Chairman

lm
ba
5/3

14.3.97

Written statement has not been filed. Mr. Sarker, learned Railway counsel prays for further extension of time to file written statement. From 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
12/3

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

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

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

Rejoinder filed on behalf of the applicant at page - 27 to 33.

nkm

9/2/6

8.8.97

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

[Signature]
Vice-Chairman

12-8-97

pg
11/2

Memo of appearance
file by Mr. J.L. Sarkar 12.8.97
learned Railway
Standing Counsel.

Adjourned to 12.9.97.

By order

12-9-97

Adjourned to 16.1.98.

By order

W/S and Rejoinder has
been filed.

16.1.98

Adjourned to 6.3.98.

By order.

15/1

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.

[Signature]
Vice-Chairman

W/S and Rejoinder has
been filed.

nkm

9/3

8.5.98

Adjourned to 10.7.98.

By order.

19.

W/S and Rejoinder has
been filed.

21/7

6

W/s and Refrainder has
been filed.
25/7

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

W/s and Refrainder
has been filed.
25/8

31.7.98 There is no High Bar.
20 List on 21.8.98. By Mr

21.8.98 Mr J.L. Sarkar, learned Railway
21 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 of order dtd
21-8.98 issued to
the Asst. Registrar
by Regd/post vide
P.O. 2336 dt. 26.8.98.

W/s and Refrainder has
been filed.

nkm

25/8

25/8
31/9

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

21/9

8.9.98

18.9.98

Adjourned to 23.10.98

By order

A letter has been
at the "A"
Receipt from Asstt.

Registrar (Admn)

Gauhati University

Regarding date of birth nkm
clarification from
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.


Vice-Chairman

By order
8.9.98

Cy of order dtd.
4.9.98 issued to
the Asstt. Registrar
by Regat/post
vide D.No.

nkm

20.11.98

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....

By Reply filed on
behalf of the respondents
against the Rejoinder
filed by the applicant.

By
8.9.98
w/s Rejoinder & Reply
against Rejoinder
sum filed 21/9

8 A. 118/96

Notes of the Registry

Date

Order of the Tribunal

W/S, Rejoinder
and Reply has been
filed.

SB
SH

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.

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.

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.

Office to take immediate steps for issue of notice. Counsel of the applicant shall also take necessary steps for sending notice.

Copy of the order may be furnished to the counsel of the applicant for taking necessary steps.

[Signature]

Vice-Chairman

Pl. comply order
dated 20/11/98.

SB
23/11/98

Printed
@ 23/11/98

23.11.98

Copy of order add.
20.11.98 and Notice issued
to the Asst. Registrar,
Gauhati University
dr.

Boon

1) Service Reports is
still awaited.

trd

SB
23/11

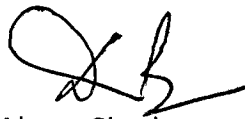
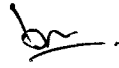

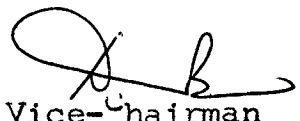

2) Written statement, Rejoinder
and Reply to the Rejoinder
has been filed.

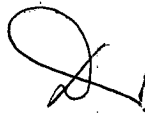




4.12.98

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

SB
21/12/98

Pl. Inform exch
dated 4/12/98. SB
21/12/98

Notes on the Registry	Date	Order of the Tribunal
<p><u>10-12-98</u> Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p> <p>SB 10/12/98</p>	4.12.98	<p>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.</p> <p>On the prayer of the learned counsel for the parties the case is adjourned till 11.12.98 for hearing.</p> <p> Vice-Chairman</p>
<p><u>7-1-99</u> Written statement, Rejoinder & Reply to the Rejoinder has been filed.</p> <p>SB 7/1/99</p>	<p>nkm</p> <p>SB 7/12/98</p> <p>11-12-98</p>	<p>There is no representation. Case is adjourned to 8-1-99 for hearing.</p> <p>By Order </p>
<p><u>21-1-99</u> Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p> <p>SB 21/1/99</p>	<p>8.1.99</p>	<p>On the prayer of Mr M. Chanda, learned counsel for the applicant this case is adjourned till 22.1.99.</p> <p> Vice-Chairman</p>
<p><u>22-1-99</u> Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p> <p>SB 22/1/99</p>	<p>nkm</p> <p>22-1-99</p>	<p>On the prayer of counsel for the parties case is adjourned to 5-2-99.</p> <p> Vice-Chairman</p>
<p><u>4-2-99</u> Written statement, Rejoinder and Reply to the Rejoinder has been filed.</p> <p>SB 4/2/99</p>	<p>nkm</p> <p>5.2.99</p>	<p>On the prayer of Mr M. Chanda, learned counsel for the applicant, this case is adjourned till 12.2.99.</p> <p> Vice-Chairman</p>
	nkm	

Notes of the Registry	Date	Order of the Tribunal
<u>25-2-99</u> Written statement filed and reply to the rejoinder has been filed.	12.2.99	On the prayer of Mr. M.Chanda, learned counsel for the applicant the case is adjourned till 26.2.99.
trd 15/2/99		 Vice-Chairman
<u>4-3-99</u> The case is ready for hearing.	26.2.99	Adjourned to 5.3.99 A/O RA
trd 5.3.99		On the prayer of Mr. M.Chanda, learned counsel for the applicant the case is adjourned till 12.3.99.
<u>11-3-99</u> The case is ready for hearing.	5.3.99	 Vice-Chairman
trd 12-3-99		Adjourned to 26-3-99.
<u>25-3-99</u> The case is ready for hearing.	26-3-99	On the prayer of Mr.M.Chanda learned counsel for the applicant case is adjourned to 9-4-99.
trd 9.4.99		 Vice-Chairman
<u>8-4-99</u> The case is ready for hearing.	9.4.99	On the prayer of counsel for the parties case is adjourned to 28.4.99.
trd 28.4.99		 Vice-Chairman
<u>26-4-99</u> The case is ready for hearing.	28.4.99	On the prayer of Mr J.L.Sarkar, learned Railway counsel the case is adjourned to 7.5.99.
trd 3/5/99		 Vice-Chairman

Notes of the Registry

Date

Order of the Tribunal

27-5-99

The case is ready for
hearing.

7.5.99

On the prayer of Mr. M.Chanda,
learned counsel for the applicant the
case is adjourned till 28.5.99.


Vice-Chairman

trd

28.5.99

Hearad learned counsel for the
parties. Hearing concluded. Judgement
reserved.


Vice-Chairman

trd

28.12.98

Copy of the Judgment
has been sent to the
J/Sec. for issuing the
same to the parties
through Regd. with A.D.

9.12.99

Judgment pronounced in open Court,
kept in separate sheets. The application
is disposed of in terms of the order.
No order as to costs.


Vice-Chairman

trd

Read vide J.N.D.
4282 to 4286 Dn

29.12.99.

H.P.

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

DATE OF DECISION.....9.12.1999.....

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

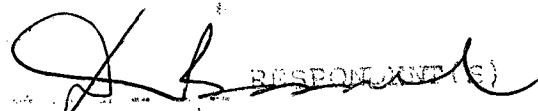
THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

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)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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 ?
4. Whether the Judgment is to be circulated to the other Benches ?

15

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

Respondent

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

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 Manager(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 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 impugned notice of retirement from the Railways Authority asking him to retire on 28.2.95, wrongly treating his date of birth as 1.3.1937 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 repres- entation 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 nece- ssary 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 retire- ment 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 conse-
quential 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> 10.1.95	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.	6.2.95	The D.R.M (p) informed the applicant that the 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 : 310

Presented by.....

Date of presentation : 4-7-96

Applicant(s) Mr. M. Chandra, Adv.

Respondent(s) S. J. L. Santra, Adv.

Nature of grievance D.A. 12. 12. 12

No. of applicants 1 (one).....

No. of Respdt(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
(c) Have sufficient number of copies of the application been filed ? : Yes & copies
4. Whether all the necessary parties are impleaded : Yes
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 Vakalatnama/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 D-4-7-96 R.B. 10/2
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 envelopes bearing full address of the respdts. been filed ? : Yes
16. (a) Whether the relief sought for arise 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 by the Bench : Yes, 8/3
19. Any other point
20. Result of the scrutiny with initial of the scrutiny clerk :

SECTION OFFICER(J)

DEPUTY REGISTRAR

5/7/96

4/7

25

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: : GUWAHATI- 5.
I N D E X S H E E T.
Original Application CASE NO. 118/96

Sh. A. S. Das

APPLICANT(S)

vrs.

Union of India & ors.

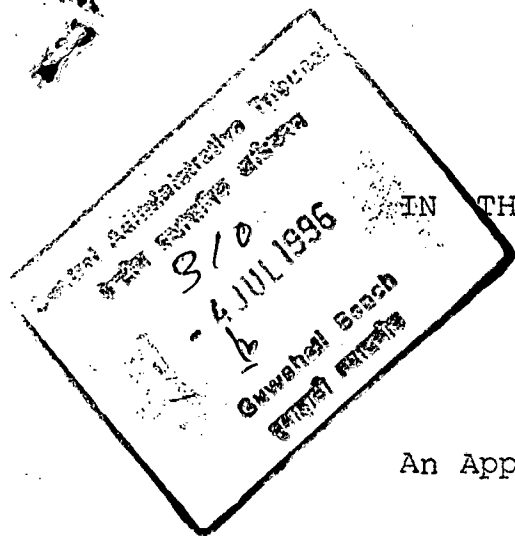
RESPONDENT(S).

Sl. No.

DESCRIPTION OF DOCUMENTS.

PAGE NO.

1. Application with Annexures - 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

S1. 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 Shri J. L. Sankar
for Railway.
Advocate
26-6-96.

Date : 26-6-96.

Filed By :

(Signature)
Advocate

Ardhendu Sekhar Das

26
Filed by the applicant -
Shri M. Chandra
26-6-96 Advocate

1. Particulars of the Applicant

Sri Ardhendu Sekhar Das,
Ex-chief Commercial Inspector, Grade-I,
N.F. Railway,
Son of ~~Raxilax~~ 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. Lunding,
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 pre-mature 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 1.5.95 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 there~~ ~~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 Sekhanda

Duplicate.

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

28.2.95

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(XP)'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 Extract

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 21.1.294 with a request for correction of his date of superannuation as

Ardhendu Sekhar Das

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/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 ^{the} a duplicate ~~matriculation~~ 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 ~~applied~~ 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 Sekhondas

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 Matriculation 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

Aradhendu 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 Seki

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
amongst 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.

Aradhendu 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 Das

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 Jugarj 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 26th day of June, 1996.

Place : Guwahati

Ardhendu Sekhar Das

SIGNATURE

(ARDHENDU SEKHAR DAS)

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

Registrar

GAUHATI, ASSAM

The 21 July, 1953

Sd/- P. Dutta
Registrar

Date : 27.10.94

Attended
Office
Adv

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 2000/- 3200/-	Date of pro- motion in scale 2375/- 3500/-	AGS(T) dt. 23.6.93 & dt. 4.4.94	REMARKS
----	---------	----------------	------------------	------------------	------------------	-----------------------------	---	---	---------------------------------------	---------

31	Sri A.S.Das	UR	CI/CMI Gr.I	DCM/LMG GM/Genl MLGx	1.2.37	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

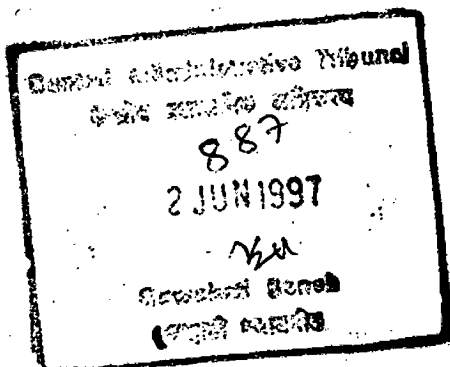
*Accepted
Chandra
Adh*

- 16 -

41

Mitha Hand Taken
with the court
of the court
Division
N. E. Railway

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 ¹⁴an 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.E. Railway, Pandu the applicant was asked to submit his original matriculation certificate for verification of date of birth.

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 ^{age} ~~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 ^{Railways} ~~Rlys~~ 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 Pran Mohan Thakur aged about 47 years, by occupation Rly. service, working as Divisional Personnel Officer, N.F. Railway, Lunding 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, Lunding.

For and on behalf of UNION OF
INDIA.

.....

- 5 -

- 20.
Annexure - R-1.

75

~~Annexure - R-1~~

N. F. Railway

SN 79

No: 540 E/1233 (T)

Dated. 18th Nov. 1965

DEPT.

To:

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

Through OS/Claims

Sub: - Date of Birth

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

For Chief Commercial Superintendent (CCS),
N.F. RAILWAY, PANDU

Ys 14/11/65

Attn:
NO.
200.

- 6 -

- 21 -

Annexure R-2

46

~~Annexure R-2~~

SN 83

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.

Yours faithfully,

Ar. Rendu Sekharan.

CCS / claims officer.

N. F. Rly. Pande

Df. 25-11-65

10/12/65

993

PP. 37
1967

Annexure - 3 R-2
-22-
78

G-178A

No. SN 121

Shri Mahendra Sekher s/o. S. Jeeva
attached to Claims Branch of CES's office has
submitted an application for the post of
a Labour officer in response to UPSC's
advertisement at SN-121/A, and requested to
forward the application to the Secretary.

Shri s/o. has fulfilled others II -
conditions for applying for the post
1. age limit - 200 essential qualification

If his application is forwarded
and if he is selected for the post applied for,
he will have to sever all connections with the
Railway & the resultant vacancy will be filled up by
surplus staff. His service particulars are appended below:-

Date of birth	1-3-37
Date of applt	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 BPL case pending against him ?	No.

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

Dy-CES/c's approval is necessary
before the case is put up to CES for forwarding
the application.

Submitted

APD/T

Dy-CES/c

20/4/67

20/4/67

20/4/67

20/4/67

- 8 -

AP-42
1968

Annexure - C

Annexure - R-4

23-
48

Ref:- Notings & orders at the bottom of AP-4

A draft letter is put up at SN side
for your signature please.

APC(T)

MOG
14/6/68
15/6

Re: SN-122

Shri Ardhendu Sekhar Das, Sr. Jem under co-ordinating
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 training.

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

APC(T)

Draft to SPK H.
11/8

APC
20/8/68
16/8
21/8

ET

Re: SN-136

Shri Ardhendu Sekhar Das, Sr. Jem attached
to Claims Branch/MAG, has submitted an application
for the post of Deputy Regional Director under 203000 and
(placed at SN side) for onward transmission to the
Secy, UPSC/Secy, in response to the advertisement
at SN under disposal.

Div
10/8
APC

Contd. Pp.

pp. 43

1969

N. R. Kelly, Press-P/180 - Nov. 67 - 3,00,000 Forms

Contd from Pg. 42.

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 Des 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 opbt. 13. 3. 57

Sub. Pay - RS. 16000 in Scale RS. 130-380

Perm/Temp - Perm.

Whether S.A.R. case pending against him. NO

Success claims's approval is necessary
for forwarding the application.

~~APO~~

~~Sykes/Clint~~

~~Am Approved~~

Submitted

OS(C)

Abd

28775

DATE 12/29/2017

no: ~~10~~ Notings & endorsement at p. 13

A forwarding letter is placed at SN side for signature please & approved.

apd/CS

Submitted

1/10/19

Re - SN-138

Shri. Ardhendu Sekhar Das Sircar (el) 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 for the post except the condition of age limit. As per condition the candidate must be 30 yrs and below on 1.1.69, but his age limit will be strictly adhered to, save in exceptional circumstances and will in no case be relaxed beyond a limit of 3 yrs (lag 3). His service particulars are given below -

date of birth - 1.3.37

date of appl: 13.3.69

sub: post - in. clerk (130-300/-)

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

are may found he will be...
① are may found he will be...
② are may found he will be...
③ are may found he will be...
④ are may found he will be...
⑤ are may found he will be...
⑥ are may found he will be...
⑦ are may found he will be...
⑧ are may found he will be...
⑨ are may found he will be...
⑩ are may found he will be...

ees (el) may kindly decide if in application forwarded at the same time the question of filling vacancy in the event of selection for...

Submitted - please

Amr...
10/10/19

22/2/19

Index to PP. 43

Forwarded letter in place of SN side in

Signature please.

A.10(-)

Assigned file
SN-116-

No. 99

Reg: SN-151

Shri, Asst. Secy. Secy. has, in close/col. place, Maligun has submitted an application for the post of Manager, Grade 1 and requested his office to forward his application to the Secretary, Union Public Service Commission, 10, Kailash, New Delhi vide at SN under disposal. Service particulars of Shri. are given below:

- 1) At birth - 1-3-37
- 2) At app't - 12-2-57
- 3) Sub. Post - Sr. Clerk in Secy. P. 120-3001
- 4) Present Pay - 1681-
- 5) Permanent or Temp - Permanent
- 6) Whether R.A.R. is pending against him - No.

It is in hand with for submission of the application.

If it is decided to forward his application it may be forwarded with class 3 stipulation that he will be spared only when relief is available in his place. The vacancy may be filled up by the surplus of the as & when available. He did not apply any post outside the the pay during the year.

His claims approval is necessary. If approved, his claims may please sign at Regm. of application form (F/A).

Submitted phase -

19/4/70

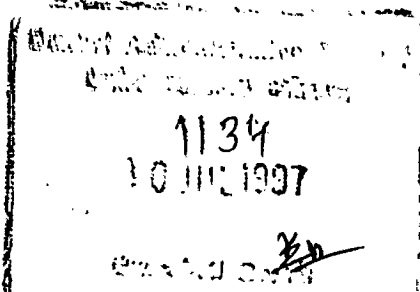
Atty
1/2/70 (cl)

By: above

The last date of for submission of the application was on 30-3-70 vide at SN-50, but the original application should ordinarily reach the Commission within a fortnight after the closing date as per instructions vide at SN-50. However the application may be forwarded.

Submitted pl.

20/4/70



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

In the matter of -

O.A. 161/96. 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) Lunding 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

matriculation.....

30/7/97

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

AS
30/7/97

matriculation certificate on two occasions, on the first occasion 21.3.63 ~~again~~ and again on 5.5.1994 which would be evident from F.I.R. dated 6.5.94 lodged to Gosala 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.....

when the applicant made in 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.

30
55

- 4 -

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:- Izuhar 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 ~~may~~ can
get issued one Duplicate Matriculation certificate from the
University.

Yours faithfully,

Ardhendu R 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.

*Attested
[Signature]
[Signature]*

A F F I D A V I T.

~~XXXXXXXXXXXX~~

I, Ardhendu 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 Cachat 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/- Ardhendu Sekhar Das
Signature.

Sworn before me.
Sd/- 8.7.94.
Magistrate.

*Attested
Shri
Sd/-*

28
32
57

- 6 -

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.

Identified by me. Ardhendu Sekhar Das,
Signature.

Sd- Illegible.

Sworn before me.

Sd/- Illegible.

Magistrate.

Seal.

.....

*Attested
by
Ardhendu
Das*

27.
33
28

- 7 -

Annexure - 7.

UNIVERSITY OF GAUHATI.

1953-

MATRICULATION EXAMINATION.

No. 000107.

(Duplicate Certificate).

~~xxxxxxxxxxxx~~

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.

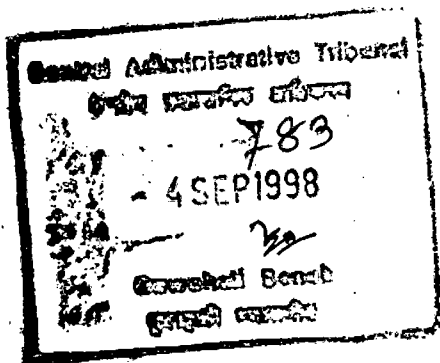
Sd/- Illegible.
Registrar,

Date - 27.10.94.

Sd/- P. Dutta,
Registrar.

*detected
by
person*

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

1) ^{Reply} 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-/

File by En. Respondent
D. Suman
By. Advocate
1/5/98

35
10

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 intentional 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 has 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 reference 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.

Contd...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. 29

- 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.

Verification

I, Shri Kipa Sherpa, by
 occupation Railway service, working as Divisional
 Personnel Officer, N.F.Rly. Lunding 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

Lunding

FOR OFFICE USE
 Divisional Personnel Officer
 N. F. Railway & Lunding

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4

N. E. Railway

SN 79

No: 540 E/1233 (T)Dated: 18th Nov. 1965

DEST

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

Through OS/claims

Sub: - Date of Birth

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

JH 18/11

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

9c 18/11

AIM
 20
 18/11

- 7 -

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

SN 83

OFFICE
MGM ET,
Rly. 25/4

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.

Yours faithfully,

Ar. Rendu Sekharan.

CCS/claims officer.

N. F. Rly. Pande

993

Am 30

To
The Divisional Rly. Manager,
Lumding/N.F. Railway.

(Through Proper Channel)

Sir,

Sub: Anomalies in the matter of
date of birth.

I beg to place the following for favour of
your kind appreciation please.

- (i) That I was appointed in the N.E. Railway as Clerk in the year 1957. Sponsored by the Railway Service Commission, Allahabad.
- (ii) That the prescribed minimum educational qualification was Matriculation and the age limit not below 18 years.
- (iii) That on my application to the Commission for my candidature, the following documents were attached and duly scrutinised.
 - (a) For age proof the Matriculation Certificate,
 - (b) For prescribed qualification proof - the same certificate,
- (iv) That on my joining in the Rly. service I had to fill up my Service book and so far I remember, I wrote in my own hand writing my name, - fathers' name only the date of birth was not written by me since that was available in my application form duly scrutinised by the Service Commission.
- (v) That a seniority list published by CCS(P)/vide his No.E/255/104/Pt.II(T) dt.11.4.91 my date of birth was shown as on 1.5.37 and accordingly I shall attain 58 years of age as on 1.5.1995 (copy enclosed).
- (vi) That my attainment of 58 years as on 1.5.95 tallies with the date of birth recorded in the Matriculation certificate (copy enclosed).
- (vii) That the DRM(P)/LMG vide his letter No.ET/ Cadre/Retire/83 dt.8-5/6-94 had shown my date of birth as on 1.3.37 and attainment of 58 yrs. service as on 1.3.1995 instead of 1.5.1995 (copy enclosed).
- (viii) That as I understand the copy of my Matriculation Certificate is not available in my service file which itself is mysterious.

In view of the above circumstances, You may like to set right the anomaly in the matter of my date of birth and allow me to continue in service till I attain 58 yrs. of age as on 1.5.1995.

I shall remain ever grateful for your kind action please.

Encls: 3 (three) as above.

Yours faithfully,

Dated 21-12-1994.

Ardhendu Sekhar Das
(ARDHENDU SEKHAR DAS)
COMI/GHY.

Contd.../2...