

**Central Administrative Tribunal
Principal Bench**

OA No.4466/2017

New Delhi this the 18th day of December, 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

Dr. L. Dhandem
Currently working as Commissioner
Audit-I, CGST and Excise,
Nagpur Commissionerate
Aged about 55 years 11 months
S/o Late Shri Rangaiah Dhandem
R/o Room No.2,
Guest House, Customs, CE & ST Building,
Civil Lines, Nagpur-440 001.

-Applicant

(By Advocate: Shri Kotla Harshvardhan)

Versus

Union of India
Through Chairperson
Central Board of Excise and Customs
Department of Revenue
Ministry of Finance, North Block,
New Delhi-110 001

-Respondent

(By Advocate: Shri Rajnish Prasad)

ORDER (Oral)

Justice Permod Kohli:

The applicant has challenged order dated 27.10.2015 issued by the Ministry of Finance, Government of India whereby a direction has been issued to the Directorate General of Human Resources Development (DGHRD) to correct the date of birth of the applicant in the Civil List from 11.01.1962 to 11.01.1958, as also

communication dated 16.02.2016 whereby the applicant was informed about the aforementioned letter regarding the correction of his date of birth in the official record. The dispute raised by the applicant is that his actual date of birth is 11.01.1962 and based upon the said date of birth he has to retire in January, 2022, whereas on the basis of the wrong date of birth recorded in the Civil List, i.e., 11.01.1958 he will stand retired in January, 2018. The applicant has placed on record some of the documents in support of his date of birth, including the service book.

2. It appears that during the pendency of this OA the respondents have issued two more communications vide letter dated 13.12.2017 whereby the applicant has been informed about the constitution of a Committee for examining his representations, requesting change in the date of birth. The applicant was intimated that the Committee may call him for oral evidence or further documents. The applicant has been advised to cooperate with the Committee. Vide 2nd communication dated 15.12.2017 the applicant has also been informed by the Joint Commissioner (CCO) about the constitution of a Committee. A copy of the letter dated 15.12.2017 issued by the Deputy Director, DGHRD has also been enclosed. Vide the 2nd referred letter dated 15.12.2017 the applicant has been asked to appear before the Committee on 22.12.2017 along with the following documents:

- “1. Attested copy of matriculation or equivalent Certificate issued by the relevant Education Board,
2. Attested copies of all the Certificates/documents submitted by you in your representations to the Board.”
3. In the aforesaid communication, reference is also made to the Inquiry Report dated 14.09.2015 submitted by one Shri M. Srinivas, the then Commissioner, Customs, Central Excise and Service Tax. Learned counsel for the applicant submits that the respondents are examining the question of actual date of birth of the applicant. The said consideration is based on the Inquiry Report dated 14.09.2017. The copy of the said Inquiry Report has not been furnished and thus if the hearing takes place without supplying the copy of the Inquiry Report, the interest of the applicant shall be greatly prejudiced, particularly when there is an Inquiry held at the back of the applicant.
4. Under the above circumstances, this OA is disposed of at the admission stage itself with the following directions:
 - i) A copy of the Inquiry Report dated 14.09.2015 shall be furnished to the applicant by 20.12.2017. The applicant shall have the liberty to file his response to the Inquiry Report at the time of his hearing before the Committee.
 - ii) The Committee shall hear the applicant as directed in the letter dated 15.12.2017 and consider all relevant documents, including the reply of the applicant to the Inquiry Report and his matriculation certificate, as demanded by the respondents

and thereafter pass a reasoned and speaking order before 10.01.2018.

iii) In the event the applicant is aggrieved by the order passed by the respondent-authorities, he shall be at liberty to approach the appropriate forum, in accordance with law.

Order Dasti.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

cc.