

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. O.A. 1544 of 2013

Date of order: 25.8.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member  
Hon'ble Ms. Jaya Das Gupta, Administrative Member

SUJIT KR. BAKSHI

VS.

UNION OF INDIA & ORS. (E. Railway)

For the Applicant : Mr. S.K. Dutta, Counsel  
Mr. B. Chatterjee, Counsel

For the Respondents : Mr. S.K. Das, Counsel

ORDER (Oral)

Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the applicant and Ld. Counsel for the respondents and perused the record.

2. The applicant Shri Sujit Kumar Bakshi was inducted in Railway service on 26.10.1977 as LDC in Eastern Railway and he disclosed his date of birth as 14.1.1955. He also disclosed his name as "Sujit Bakshi" and not "Sujit Kumar Bakshi". It is case of the applicant that he applied for correction of date in 1983 but that record has not been placed on record. The applicant alleges that he had moved an application for correction of date of birth in the service record on 2.2.1988 which has been annexed as Annexure A-4. In pursuance thereof the competent authority by letter dated 21.3.1990 asked for reasons for not moving the application for correction within the stipulated period of three years from the date of joining. The same has been annexed as "Annexure A-5" and is reproduced hereinbelow for ready reference:-

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EASTERN RAILWAY  
ACCOUNTS DEPARTMENT: KANCHRAPARA

No. WAK/Admn./Staff/90

Dated : The 21<sup>st</sup> March, 1990

Sri Sujit Kumar Bakshi, A.A.,  
Books Section,  
E. Railway/Kanchrapara

Reg.: Alteration of name and the date of birth of Sri  
Sujit Kr. Bakshi, A.A.

As directed by CAO/Admn./CCC vide his letter No. A/51/Misc./Bill/Pt.X dated Calcutta, the 9<sup>th</sup> January, 90, you are requested to furnish reasons for non submission of application for alteration of your date of birth and name within the stipulated period i.e. 3 (three) years from the date of joining of Rly. Service, to this office from the date of joining of Rly. Service, to this office as early as possible for further action at his end.

Dy. Chief Accounts Officer(W),  
E.Rly/Kanchrapara"

3. It is stated that the reasons have been assigned by the applicant on 26.5.1990, the copy of which has been placed on record as Annexure 'A-6' wherein he has mentioned that he was not aware of limitation of a period of three years for which he expressed his regret. He also has taken a ground that it took much time in processing his case with West Bengal Board of Secondary Education through his School and getting my date of birth and name being changed by the said Board.

4. But there is nothing on record to show that any decision has been taken in this regard by the competent authority. The applicant made repeated request and at last he made a request on 27.5.2013 but till date no decision has been taken with regard to the date of birth in the service book.

5. However, during pendency of this petition the applicant retired on 31.1.2015 on the basis of date of birth initially mentioned in the service record.

(W)

6. As no decision has been taken so the present original application has been filed seeking the following reliefs:-

- (a) Direct the Respondents to make necessary rectification in his official records as per amended Admit Card and Higher Secondary Certificate issued on 1988 by cancelling the present one;
- (b) Direct further the order to incorporate the corrected matter in the official record; so that his actual service period is being recorded on the basis of the corrected age in the Admit Card and Certificate of Higher Secondary Examination issued in 1988 as a measure to remove his genuine grievance;
- (c) Cost of this application; and
- (d) Any other order/orders, direction/directions which the Hon'ble Tribunal considers fit and proper in this case."

7. Reply has been filed by the respondents alleging that the applicant has not produced the relevant records within the stipulated time so the same cannot be considered.

8. As stated hereinabove, there is no denial of the fact that any final decision has been taken after receiving the representation by the competent authority.

9. Hence in view of the above, this Tribunal has no authority to issue a mandamus for correction of date of birth in the service record. However, it is within the competence of this Tribunal to direct the authorities/competent authority to take a decision on the claim of the applicant within stipulated period. Hence we direct the respondents to decide the claim of applicant within a period of two months from the date of production of certified copy of this order under intimation to the applicant.

10. With the above observation, the petition is finally disposed of. There shall be no order as to costs.

(Jaya Das Gupta)  
MEMBER(A)

SP

(Vishnu Chandra Gupta)  
MEMBER(J)