
(2017) 02 JH CK 0079
In the Jharkhand High Court
Case No : W.P.(S) No. 245 of 2016

Jagdish Prasad

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 1 AIRJharR 842

Hon'ble Judges : H.C. Mishra and Dr. S.N. Pathak, JJ.

Bench : Division Bench

Advocate : Mr. M.A. Khan, Advocate, for the Petitioner; Mr. Arbind Kumar Jha, Advocate, for the Respondents

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the respondent-BSNL.

2. The petitioner is aggrieved by the action of the respondent authorities, whereby he was made to superannuate from service of BSNL with effect from 28.12.2010, treating his date of birth as 12.2.1950, whereas, as per the matriculation certificate, his date of birth is 12.2.1952.

3. It is an admitted position that during the entire service period from 1975 to 8.5.2009, i.e., the date when the notice for superannuation was given, no representation was made by the petitioner for any correction in his date of birth in his service records. The petitioner had earlier approached before the Central Administrative Tribunal, Patna, in O.A. No. 051/000145/2014 for redressal of his grievance, and the said O.A. was dismissed by the Central Administrative Tribunal, by the impugned order dated 11.12.2015, as contained in Annexure-20 to the writ application, holding that the correction in the date of birth was not permissible at the fag end of service career and there was nothing on record to show that the applicant had submitted his bio-data at the time of initial entry of

service showing his date of birth as 12.2.1952.

4. Learned counsel for the petitioner has submitted that the impugned order passed by the Central Administrative Tribunal is absolutely illegal, inasmuch as, at the time of entry of his service, he had given date of birth as 12.2.1952, which ought to have recorded in the service records also. Learned counsel also submitted that the petitioner had no knowledge about the wrong entry of his date of birth in the service records.

5. Learned counsel for the respondents has opposed the prayer.

6. The submission of learned counsel for the petitioner that the petitioner had no knowledge of wrong entry of his date of birth in his service records, during the entire period of his service career from 1975 to 8.5.2009, i.e., the date when the notice for superannuation was given, just cannot be believed. The Central Administrative Tribunal was absolutely right in dismissing the application of the petitioner, holding that the petitioner is trying to get his date of birth corrected at the fag end of service career, which is not permissible. We do not find any illegality in the impugned order dated 11.12.2015 passed by the Central Administrative Tribunal, Patna, in O.A. No. 051/000145/2014.

7. There is no merit in this writ petition and the same is accordingly, dismissed.