

(2018) 01 GAU CK 0122
In the Gauhati High Court
Case No : 3537 of 2015

THE UNION OF INDIA and ORS.

APPELLANT

Vs

HARI CHANDRA DUTTA

RESPONDENT

Date of Decision : 30-01-2018

Acts Referred:

[Constitution of India](#), [Article 226](#) -
Power of High Courts to Issue certain writs

Citation : (2018) 01 GAU CK 0122

Hon'ble Judges : Ajit Singh, Manojit Bhuyan

Bench : Division Bench

Advocate : S C KEYAL

Final Decision : Allowed

Judgement

1. This petition under Article 226 of the Constitution is directed against the order dated 30.4.2015 passed by the Central Administrative Tribunal,

Guwahati Bench, whereby it has allowed respondent's OA No.040/00138/ 2015 with a direction to re-compute his date of birth on the basis of

High School Leaving Examination Certificate submitted by him.

2. The respondent joined the Department of Posts on 16.1.1975. In the service book of respondent, his date of birth is shown as 1.7.1955. After

serving for many decades, the respondent, at the fag end of his career, made a request to correct his date of birth in the service book as 2.7.1955

in place of 1.7.1955. Since the petitioners found the request unacceptable, it was rejected vide memo dated 31.3.2015. Aggrieved, the

respondent filed OA No.040/00138/2015 before the Tribunal on 28.4.2015 and the Tribunal, on the first date of hearing itself, without giving any

opportunity of hearing to the petitioners, by the impugned order dated

30.4.2015, finally disposed of the Original Application with a direction to re-compute his date of birth on the basis of High School Leaving Examination Certificate submitted by the respondent. It is in this backdrop, the petitioners have filed the present petition.

3. The record clearly reveals that no opportunity of hearing was given to the petitioners by the Tribunal before passing the impugned order. The Tribunal has apparently acted in utter disregard to the principles of natural justice. The order, therefore, cannot be sustained and is accordingly quashed. The matter is remanded to the Tribunal for its decision afresh on merits after giving an opportunity of hearing to the petitioners. The petition is allowed to the above extent.