

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 709 of 2018

Satya Narayan Mallick -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mrs. M. Ghosh Dey,
Ld. Advocate.

For the State Respondents : Mr. S.N. Ray,
Ld. Advocate.

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18.02.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the retirement notice dated 16.11.2017 issued by the B.D.O., Memari-II Block, Burdwan (East).

Mrs. M. Ghosh Dey, learned counsel appearing on behalf of the applicant submits that as per the Identity Card issued by Labour Department, his date of birth is recorded as 22.11.1959 whereas the Block Development Officer has had issued him a notice informing that his date of superannuation is from 30.11.2018. Submission is that the retirement of the applicant should be based on the Identity Card showing 22.11.1959 instead of 22.11.1958. Disagreeing with the submission of the other side, Mr. S.N. Ray, learned counsel relying on the reply of the respondent authorities submitted that as per service records, the applicant's date of birth has been recorded as 22.11.1958. Attention has been drawn in particular to a copy of the Verification Roll submitted and signed by the applicant himself at the time of entry into the service showing 22.11.1958 as his date of birth. Copies of the Service Book having entry at page nos. 3 and 4 also shows 22.11.1958 as the date of birth of the applicant. Apart from these records, the respondent has also presented copies of Character Certificated issued to the applicant by his School, Admit Card issued by the West Bengal Board of Secondary Education and Scheduled Caste Certificate issued by the District Magistrate, Bardhaman showing the same date 22.11.1958 as the date of birth

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of the applicant.

Heard the submissions of the learned counsels and having examined these documents, the Tribunal has come to this conclusion that the applicant has filed this application having the prayer devoid of any merit at all. The documents presented before this Tribunal are sufficient proof that the applicant's date of birth has been recorded as 22.11.1958 and not 22.11.1959. It is also strange that why the applicant did not bring to notice if any error was detected in his date of birth at the time of entry into the service. Ignoring all these documents and just relying on an Identity Card, the applicant felt that he could approach this Tribunal and get a favourable order. The applicant is completely under a misconception for believing that such a prayer would be accepted by the Tribunal.

Having observed the above points and finding no merit in this application, this application is **disposed of** without passing any order.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

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