

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- 728 of 2022

Uma Sankar Roy VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. G. Halder,
Mrs. P. Sasmal,
Learned Advocates.

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08.05.2023 For the State Respondents : Mr. A. Mitra,
Learned Advocate.

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.

On consent of learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

The prayer in this application is for a direction upon the respondent authority to rectify the erroneously recorded date of birth of the applicant. As it appears from the record of this application, the applicant was appointed as a Home Guard on 09.04.1975 and superannuated on 04.12.2010. As stated in this application, the applicant realised that his date of birth should have been as 05.12.1955 instead of 05.12.1950. In this regard he has submitted a representation before the respondent authority on 29.11.2010. His contention for the revised date of birth is based on a hand written certificate signed by Headmaster, Manbhumi Victoria Institution, Purulia issued on 27.11.2010.

Appearing on behalf of the respondent authorities, Mr. A. Mitra, learned counsel submits that the rule does not permit change of a government employee's date of birth after five years from the date of his appointment. Moreover, the applicant had retired in the year 2010 and this application has been filed in the year 2022, thus it is also

barred by limitation.

After hearing the learned counsels, the Tribunal is of the view that the rule does not allow change of date of birth of an employee after five years from his joining the service. If such date of birth was recorded erroneously, the same should have been mentioned before his employer with supporting documents within five years from his date of joining. In this case, however, the applicant appears to have realised such difference in his date of birth after his superannuation. Besides, this application has been filed after twelve years. Hence, this application is not admissible and is dismissed.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

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