

**IN THE HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C) No. 46 of 2010

Shri Sadhan Chandra Debnath,
son of late Jadu Lal Debnath, resident
of Jute Mills Quarter, P.S. Amtali,
District – West Tripura.

..... **Petitioner**

- V e r s u s -

- 1. Tripura Jute Mills,**
represented by the Managing Director
of Tripura Jute Mills Ltd., Hapani, P.O.
ONGC, District – West Tripura.
- 2. The Personnel Officer,**
Tripura Jute Mills Ltd, Hapania, P.S.
Amtali, District- West Tripura.

..... **Respondents**

**BEFORE
THE HON'BLE MR. JUSTICE S. TALAPATRA**

For the petitioner : Mr. D.C. Roy, Advocate.
For the respondents : Mr. C.S. Sinha, Advocate.

Date of hearing & delivery : **12.01.2015**
of Judgment & Order :

Whether fit for reporting :

Yes	No
	√

JUDGMENT & ORDER (ORAL)

Heard Mr. D.C Roy, learned counsel appearing for the petitioner as well as Mr. C.S. Sinha, learned counsel appearing for the respondents No.1 and 2.

[2] By means of this petition, the petitioner has challenged the memorandum dated 01.12.2009 issued by the

Personnel Officer, Tripura Jute Mills Limited, Annexure-5 to the writ petition communicating that the petitioner would complete 58 years of service on 01.01.2010 and as such, his superannuation would be on 31.01.2010.

[3] Mr. D.C. Roy, learned counsel appearing for the petitioner has submitted that petitioner filed a representation on 13.04.2009, Annexure-R/4 to the counter affidavit filed by the respondents No.1 and 2, contending that his actual date of birth was on 15.01.1958 and in support thereof he filed the certificate issued by the Teacher-in-Charge, Teliamura High School, Annexure-6 to the writ petition. But the respondents No.1 and 2 had refused to correct the date of birth in terms of the said school certificate and issued the said memorandum dated 01.12.2009. The respondents No.1 and 2 have categorically stated that the petitioner, on the verge of retirement made such representation, though he knew that the respondents No.1 and 2 recorded his date of birth as on 01.01.1952 based on the reliable document, such as, the admit card issued by the Tripura Board of Secondary Education, Annexure-R/2 to the counter affidavit. Even, immediately after his appointment as the Trainee in the Tripura Jute Mills Limited, an identity card was issued on 10.05.1980, Annexure-R/3 to the counter affidavit where his date of birth was clearly printed as 01.01.1952. But the petitioner did not raise any objection nor did he attempt to have the date of birth corrected as per his claim.

[4] Having regard to the records as produced by the respondents, this Court has no hesitation to hold that the petitioner has taken a chance at the fag end of his service based on the school certificate issued by Teliamura High School which appears to be unverified for changing the date of birth. On the touchstone of veracity, the admit card issued by the Tripura Board of Secondary Education holds comparatively higher degree of probative value. As such, this Court does not find any infirmity in the memorandum dated 01.12.2009 in respect of the petitioner's date of superannuation. Hence, this writ petition stands dismissed.

[5] At this juncture, Mr. D.C. Roy, learned counsel submits that the petitioner did not receive his retiral benefits as yet. Hence, the respondents No.1 and 2 are hereby directed to release the retiral benefits to the petitioner in terms of the entitlement within a period of 6(six) months from today, if not released already. If such payment, if due, is not made within the stipulated period, the amount shall carry interest @12% per annum till such payment is made.

There shall be no order as to costs.

JUDGE