

D/L
Item 34
10.12.2020
(Video Conference)
Kole

WPA 8764 of 2020
Tarapada Mondal
-Vs.-
Union of India & Ors.

Mr. Ranjit Jaiswal, Adv.
Mr. S. Kumar Ghosh

...for the petitioner.

Mr. Kollol Basu, Adv.
Mr. S. Bose, Adv.

...for the respondent no 2.

Mr. S Chattopadhyay, Adv.
Mr. S. Adhikary, Adv.

.... For the respondent no. 4.

The petitioner is a contractual employee of the respondent no. 4. He was serving as a driver with the principal employer, Haldia Dock Complex/Kolkata Port Trust. According to him, his date of birth has been wrongly recorded as 1st January, 1960 in place and instead of 1st April, 1966.

The petitioner relies upon the transfer certificate issued in his favour by the School where he was studying, mentioning his date of birth as 1st April, 1966. The documents relating to the provident fund organization and the Employees State Insurance Corporation records that his date of birth is 1st April, 1966. The driving license also records his date of birth as 1st April, 1966.

The contractor relies upon his date of birth inadvertently recorded in his Aadhar Card as 1st January, 1960. The petitioner submits that the date of birth in the Aadhar Card has since been rectified and a fresh Aadhar Card incorporating his correct date of birth has been issued in his favour. The new Aadhar Card recording his date of birth as 1st April 1966 has been annexed at page 36 of the writ petition.

The respondent no. 4 by a notice dated 22nd September, 2020 intimated the petitioner that his date of birth has been recorded as 1st January, 1966 and upon superannuation he is due to retire on 31st October, 2020.

Being aggrieved by the same, the petitioner has filed this writ petition praying for a writ in the nature of mandamus against the respondent no. 4 i.e., the contractor, for correction of his date of birth in his service records.

Learned Advocate appearing on behalf of the respondent no. 4 submits that the petitioner has never approached the contractor praying for rectification of his date of birth in his service records.

Learned Advocate representing the Haldia Dock Complex submits that the writ petition is not maintainable against the respondent no. 4 which is a private body. He further submits that the records are maintained by the respondent no. 4 and the respondent no. 2 i.e. Haldia Dock Complex does not have any role to play in the matter.

Upon hearing the submissions made on behalf of the parties it appears that the grievance of the petitioner is liable to be rectified at the end of the respondent no. 4. The respondent no. 4 being a private body, the prayer for writ of mandamus cannot be acceded to by this Court. The petitioner will be at liberty to approach the respondent no. 4 with his prayer.

With the aforesaid observation, the writ petition is, accordingly, disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of necessary formalities.

(Amrita Sinha, J.)