

13 06.6.2022
Sc Ct. no.4

WPCT 26 OF 2022

Nirmal Kumar Chowdhury

Vs.

Union of India & Ors.

Mr. Subhasis Chakraborty

Mr. Sunny Nandy

Mr. Amit Choudhury

Ms. Sushmita Kumari Singh.

.... For the Petitioner

Ms. Indrani Chakraborty

.... For the UOI

The instant writ petition has been filed assailing the order dated 1st March, 2022 passed in O.A. 01081 of 2018 by which the tribunal application, seeking a direction upon the respondent authority to correct the date of birth, was rejected.

At the time of joining the service, the date of birth of the petitioner was recorded as 21st May, 1953 and was allowed to work till 20th May, 2018. It reveals from the pleadings of the instant writ petition that a representation was made at the fag end of the retirement for correction of the date of birth.

According to the petitioner, he was born on 21st May, 1963 and the supporting documents were annexed with the said representation. Inevitably, the petitioner was allowed to work till 20th May, 2018 after having

retired upon attaining the age of superannuation but on extension.

The petitioner did not raise any grievance while in service pertaining to the alleged wrong recording of the date of birth and approached the authority at the fag end of the superannuation; even the gradation list was published during the service but no grievance was raised by the petitioner.

There is a considerable delay and laches attributable to the conduct of the petitioner in raising the grievance timely and, therefore, after he attained the age of superannuation, such writ petition does not deserve to be considered.

We thus find that the writ petitioner is guilty of the laches in addressing the grievance pertaining to the correction of the date of birth. We thus find no infirmity or illegality in the order of the tribunal.

The writ petition is dismissed.

There will be no order as to costs.

(Shampa Dutt (Paul), J.)

(Harish Tandon, J.)