

03.01.2024
Item No.14
gd/ssd

WPA/2891/2023

KAMAL CHANDRA NAG
VS
STATE OF WEST BENGAL & ORS.

Mr. Hillon Saha Podder
..for the petitioner.

Mr. Momenur Rahman,
Mr. Anirban Banerjee
..for the State.

The grievance of the petitioner is that the petitioner was forcefully retired from his service on 31.01.2022 though he was due to attain the age of superannuation on 12th April, 2022.

Learned Advocate appearing for the petitioner, in course of his argument, places reliance upon the transfer certificate issued by the Headmaster of a school which shows the date of birth of the petitioner to be 12th April, 1962.

The learned Advocate for the petitioner further relies upon the identity card issued by the Election Commission of India and the Aadhaar Card wherein the date of birth of the petitioner has been recorded as 12th April, 1962.

Learned Advocate for the petitioner further submits that taking into consideration the date of birth as recorded in the transfer certificate, Aadhaar

Card, identity card issued by the Election Commission of India, the petitioner would attain the age of superannuation on 12th April, 2022.

The learned Advocate appearing for the respondents submits that the prayer for correction of date of birth after retirement cannot be allowed by the Court.

Heard the learned Advocates for the parties and perused the materials placed.

The petitioner after retirement from his service has received the retirement benefits including pension and gratuity without raising any objection.

It appears from the Pension Payment Order dated March 14, 2022 that the date of birth of the petitioner was recorded as 12th January, 1962 and the date of retirement as 31-01-2022.

The petitioner accepted the retirement benefits on the basis of the said Pension Payment Order. After having received such benefits the petitioner prayed before the concerned District Inspector of Schools vide letter dated 27th March, 2023 to supply the copy of the service book record.

It appears to this Court that such prayer was made with a view to correct the alleged wrong recording of the date of birth in the service book long after the date of retirement.

A direction to correct the alleged wrong recording of the date of birth in the service records cannot be passed at this stage after the petitioner has accepted the retirement benefits without any objection.

For the aforesaid reasons the writ petition stands dismissed.

There shall, however, be no order as to costs.

(HIRANMAY BHATTACHARYYA, J.)