

23.04.2025
Court No.13
Item No.1
sudipta

W.P.C.T. 197 of 2024

**Biswajit Manna
Vs.
Union of India & Ors.**

Mr. Tushar Ranjan Mohanty
Mr. Jayanta Kumar Pain

...for the petitioner

Mr. Indrajit Dasgupta
Ms. Sayani Roy Chowdhury

...for the respondent nos. 1 to 5

Ms. Koyeli Bhattacharyya

...for the WBBSE

1. The matter has been listed on the ground of urgency stated. The writ petition is directed against the judgment and order dated 6th May, 2024 passed by the Central Administrative Tribunal, Kolkata Bench, in O.A. 350/141 of 2023. By the impugned judgment, the Tribunal rejected the request of the petitioner for correction of his date of birth from March, 1963 to July, 1963.
2. The brief facts relevant to the case are that the petitioner passed the Secondary Examination in 1982 where his date of birth was recorded as 6th March, 1963. The petitioner subsequently obtained a Birth Certificate issued by the Serampore Municipality indicating that his date of birth is 25th July, 1963.

3. The petitioner claims that he was initially appointed in 1982 on compassionate grounds based on his Secondary Certificate where date of birth is 06.03.1963. Thereafter, he claims to have participated in a regular recruitment process for the post of Lab Assistant with the All India Institute of Hygiene and Public Health under the Ministry of Health and Family Welfare of Central Government, and was selected.

4. At no point of time until a year before his retirement i.e. after nearly 40 years of service had the petitioner approached the respondents for correction of his date of birth. The Tribunal relied upon a decision of the Hon'ble Supreme Court in the case of ***Karnataka Rural Infrastructure Development Limited Vs. T. P. Nataraja & Ors.*** reported in ***(2021) 12 SCC 27*** to hold that an application for correction of date of birth can only be made in terms of the applicable rules. In the ***T.P. Nataraja case (supra)***, the service rules provided that an application for correction of date of birth must be made within one year of entry into the service. In the case of the petitioner the applicable circular is an office memorandum dated 16th December, 2014 issued by the DoPT. The said circular prescribes that a request for correction of

date of birth must be made within five years of entry into the Government Service.

5. The Tribunal, therefore, rightly rejected the petitioner's claim for correction of date of birth. The conduct and attitude of the petitioner, indicates *ex facie* irrationality. All the petitioner gains by correction of date of birth is four months of salary. There is unlikely to be any serious change in the quantum of pension payable to the petitioner.
6. The petitioner, however, complains he is not being paid pensionary benefits in view of the aforesaid anomaly. The anomaly has been created by the petitioner himself.
7. The petitioner by his own conduct has punished himself in view of the anomaly raised with regard to his date of birth. Such punishment is enough to address the unreasonable attitude of the petitioner. This Court while being extremely inclined to impose costs on the petitioner chooses not to do so.
8. The petitioner's date of birth shall be treated as 25th July, 1963 for all intents and purposes of any service benefits. The respondents shall process the pension papers of the petitioner as expeditiously as

possible preferably within a period of two months from date. In the event of any glitch in the software for the purpose of release of the pension, the processing of pensionary papers of the petitioner may be done offline.

9. With the directions aforesaid, W.P.C.T. 197 of 2024 shall stand dismissed.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)