

28.01.2025
Item No.66
gd/ssd

WPA/21062/2009
SRI MADAN MOHON BHAR
VS
BIRD GROUP OF COMPANIES & ORS.
IA NO: CAN/2/2015(Old No:CAN/4433/2015)

Ms. Mohana Das,
Mr. Mahaboob Ahmed
..for the petitioner.

Re: CAN/2/2015(Old No:CAN/4433/2015)

Affidavit of service filed in Court today is taken on record.

This is an application for recalling of the order dated April 1, 2015 passed in WPA 21062 of 2009.

It has been submitted by the learned Advocate for the petitioner that the application has been duly served upon the respondents.

Considering the grounds stated in the application, this Court is of the considered view that the petitioner was prevented by sufficient cause for not appearing when the writ petition stood dismissed for default on April 1, 2015.

In view thereof, the order dated April 1, 2015 stands recalled.

The writ petition is restored to its original file and number.

According, CAN 2 of 2015 is allowed.

Re: WPA 21062 of 2009

The petitioner has prayed for an order not to give effect to the letter of superannuation dated October 29, 2009 on the ground that there was wrong recording of his date of birth in the service record.

Learned Advocate appearing for the petitioner submits that a representation was submitted by the petitioner dated September 22, 2009 praying for correction of the date of birth in the service record.

Record reveals that the Deputy General Manager (Personnel), The Orissa Minerals Development Company Limited issued the superannuation letter dated October 29, 2009 informing the petitioner that on attaining the age of superannuation he will be retiring from the service of the company with effect from 15.11.2009 and the petitioner will be released from service of the company with effect from November 30, 2009 being the last working day of the month.

The petitioner submitted a representation praying for correction of the alleged wrong recording of his date of birth in the service record at the fag end of his service career i.e. two months prior to his date of superannuation.

It is well settled that representation praying for correction of date of birth in the service record

shall not be entertained at the fag end of the service career.

In view thereof, this Court is not inclined to grant any relief to the petitioner.

The writ petition stands dismissed.

There will be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)