GAHC010146322026

2026:GAU-AS:15726-DB

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5724/2026

SRI SANJOY KUMAR DAS
S/O LATE BHOLARAM DAS
R/O TITABAR, 2 NO. BEBEJIA,
KACHARIGAON, P.O PURANA TITABAR,
DIST - JORHAT, PIN -785632, ASSAM

VERSUS

UNION OF INDIA AND 6 ORS
THROUGH THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF TEXTILES, GOVERNMENT OF INDIA,
UDYOG BHAWAN, NEW DELHI 110001

2:THE MEMBER SECRETARY
CENTRAL SILK BOARD
CSB COMPLEX
BTM LAYOUT
MADIVALA
BENGALURU-560068

3:DIRECTOR (FINANCE)
CENTRAL SILK BOARD
MINISTRY OF TEXTILES
GOVT. OF INDIA
CSB COMPLEX
BTM LAYOUT
MADIVALA
BENGALURU-560068

4:JOINT DIRECTOR (FINANCE)
CSB
MADIVALA
BENGALURU-560068

5:JOINT DIRECTOR (ADMN) CSB
MADIVALA
BENGALURU-560068

6:DIRECTOR
CENTRAL MUGAERI RESEARCH AND TRAINING INSTITUTE
CENTRAL SILK BOARD
LAHDOIGARH JORHAT
ASSAM
PIN- 785700

7:THE SCIENTIST D AND HEAD MUGA SILKWORM SEED ORGANISATION
CENTRAI SILK BOARD
RESHOM NAGAR
POST- KHANAPARA
DIST- KAMRUPM
GUWAHATI
PIN-781022
ASSAM

For the petitioner : Mr. S. Choudhury, Advocate

For the respondents : Ms. B. Sarma, C.G.C.

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR

HON'BLE MR. JUSTICE KAUSHIK GOSWAMI

15-10-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. S. Choudhury, learned Advocate for the petitioner and Ms. B. Sarma, learned Central Government Counsel for the respondents/*Union of India and others.*

The challenge in the present writ petition is to the order dated 05.02.2026 passed by the Central Administrative Tribunal, Guwahati Bench in O.A. No.040/72/2020, whereby the Tribunal has refused to acknowledge that the real date of birth of the petitioner is 01.09.1959, but 01.06.1959, which stood recorded in the service documents of the petitioner.

By the impugned order, an enquiry also was directed to be held as to at whose instance, correction in his service records was carried out later, allowing the petitioner to work till the date which was calculated on the basis of the corrected date of birth, when such a request for correction had already been rejected by the Head Office in the year 2012 only.

The Tribunal took note of the fact that the later correction in the date of birth was made at the local level and precisely for that reason, the service period of the petitioner was extended by three months. The petitioner was also paid salary for the extra three months taking his date of retirement to be counted from the date of 01.09.1959.

It appears from the records that the efforts of the petitioner to have his date of birth corrected bore some fruit and there was a correction in the service record. As a result of such correction, the petitioner continued in service for three months more. However, while processing the pension papers, the Head Office at Bangalore opined that the petitioner would be deemed to have retired from a date, which had to be calculated from 01.06.1959, i.e. the date of birth recorded in the service papers. Thus, while processing the pension and other post-retiral benefits, the last pay

drawn on 31.05.2019 was taken into account.

Any extra payment made to the petitioner has now been recovered.

On a careful consideration of the facts, we find the opinion of the Tribunal to be justified, specially to the extent that it requires to be enquired into as to at what stage and at whose behest, or complicity the correction in the date of birth of the petitioner was made at later stage, when the issue had already been decided by the Head Office at Bangalore.

The Tribunal had also clarified that in case it is found that the petitioner was not responsible for getting his date of birth corrected, then following the judicial dictum, the recovered amount shall be returned to him on the sole ground that such amount was paid as the salary of the petitioner for the period when he had worked.

We endorse the afore-noted view of the Tribunal.

The writ petition stands disposed off accordingly.

JUDGE **CHIEF JUSTICE**

Comparing Assistant