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GOVERNMENT OF ORISSA  
FINANCE DEPARTMENT  
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Memo. No. Codes-30/97- 47155 (230) /F.,

Bhubaneswar, the 25th November, 1997.

To

All Departments of Government  
All Heads of Departments

General file

Sub:-

Taking of prompt action in the Court cases filed by the Government servants for continuance in service beyond the date of normal retirement claiming wrong recording of date of birth in Service Book.

20/11/97

It has come to the notice of Government that at the fag end of their service some Government servants represent to their Controlling Officers to allow them to continue in Government service beyond the normal date of their superannuation on the ground that the date of birth was incorrectly recorded in their service books. When such representations are rejected, they file cases in the Court/Tribunal and often succeed in obtaining favourable interim orders which enable them to continue in service beyond the age of superannuation. The past experience has shown that in almost all such cases the Court/Tribunal have upheld the correctness of the date of birth as recorded in the Service Book and have rejected the prayer for continuance in service. Obviously filing of cases in the Court/Tribunal is prompted by the desire to prolong their service after the date of superannuation, albeit in an unfair and often unscrupulous manner.

2. A procedure for correction of date of birth recorded in the Service Book of the Government servant has been laid down under Rule 65 of Orissa General Financial Rules Volume-I as amended in Finance Department Memorandum No.42151 dated 28.9.92 which reads as follows:-

P.T.O.

" Every person on entering Government service shall declare his/her date of birth which shall not differ from any such declaration, expressed or implied for any public purpose before entering service. The date of birth shall be supported by documentary evidence such as Matriculation Certificate, Municipal Birth Certificate and entered in his/her Service record. No alteration of the date of birth of Government servant shall be made except in case of clerical error without prior approval of the State Government. An application for effecting a change in the date of birth shall be summarily rejected if :-

- (a) Filed after five years of entry into Government service, or
- (b) the change would so lower the applicant's age that he/she would have been ineligible to appear in any of the academic or recruitment examination in which he/she had appeared or for consideration for appointment to any service or post under the Government. "

3. In order to prevent the gaining of an unfair advantage by unscrupulous litigation the appointing authorities should deal with cases involving correction of the date of birth keeping in view the aforesaid instructions and immediately request the State Counsels to seek vacation of the interim order, if any, that permits continuance in service beyond the normal age of superannuation and failing that to file appeal in the Courts of appropriate jurisdiction. The onus of foiling any attempt on the part of the Government servant to continue in service beyond the age of superannuation rests squarely upon the appointing authority.

4. All sub-ordinate offices may be intimated accordingly.

KD  
24/11/97

PRINCIPAL SECRETARY TO GOVERNMENT

P.T.O.

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Memo No. 47156(362)<sup>3</sup> / F., Dtd. -

25/11/97

Copy forwarded to the Accountant General (A&E),  
Orissa, Bhubaneswar/Accountant General (Audit), Orissa,  
Bhubaneswar/Senior Dy. Accountant General, Orissa, Puri/All  
Financial Advisers/Assistant Financial Advisers of Departments  
of Government/All Financial Adviser and C.A.Os/Accounts  
Officers of Heads of Departments/Upper Indravati Project/  
Rengali M.I.R. Project/Potteru Irrigation Project/Chief Engineer,  
Upper Kolab Project, Kolab Nagar, Koraput/Rengali Irrigation  
Project, Samal/Accounts Officers attached to Heads of Depart-  
ment/Director, C.I.A.T., Bhubaneswar/Principal, Madhusudan  
Institute of Accounts and Finance, Bhubaneswar/Principal, S.T.I.,  
Bhubaneswar/Deputy Examiner, L.F.A., E.A.O. Branch, Finance  
Department for information.

Memo No. 47157(120) / F., Dtd. -

*[Signature]*  
25.11.97  
JOINT SECRETARY TO GOVERNMENT

25/11/97

Copy to all Officers/All Branches of Finance  
Department for information.

*[Signature]*  
25.11.97  
JOINT SECRETARY TO GOVERNMENT

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