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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 115 of 1986
Exx-
No.

DATE OF DECISION 15-4-1987

Shri Ram Kumar Sharma Petitioner

Shri J.P. Sharma Advocate for the Petitioner(s)

Versus

Union of India and two others. Respondent

Shri K.N.R. Pillai Advocate for the Respondent(s)

CORAM :

* The Hon'ble Mr. V.S. Bhir, Member (A)

The Hon'ble Mr. G.Sreedharan Nair, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

8/45/1987
(G.SREEDHARAN NAIR)
MEMBER (J)

Wm 1574187
(V.S.BHIR)
MEMBER (A)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

O.A.No.115 of 1986

15-4-1987.

Shri Ram Kumar Sharma

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Applicant.

vs.

Union of India and two others

...

Respondents.

For applicant:

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Shri J.P.Sharma, counsel.

For respondents:

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Shri K.N.R.Pillai, counsel.

Counsel:

The Hon'ble Mr.V.S.Bhir, Member (A)

The Hon'ble Mr.G.Sreedharan Nair, Member (J)

(The Judgment of the Tribunal was delivered by

The Hon'ble Mr.G.Sreedharan Nair)

The applicant was an employee attached to the Northern Railway. His grievance is that his services were terminated on 6-9-1985, five months earlier than his due date of retirement. He alleges that at the time of joining service, he had produced relevant documents including his school certificate showing his date of birth as 10-1-1928, but he came to know when the seniority list was published in the year 1982 that his date of birth has been wrongly shown as 1-1-1928. According to his correct date of birth, he would have retired only on 31-1-1986. Though he had pointed out the mistake in the entry regarding the date of birth and was assured that it will be corrected, he was retired from service on 6-9-1985. Hence he prays that he be notionally reinstated as on 6-9-1985 and retired from service on 31-1-1986.

2. The respondents contend that at the time of joining service, the applicant gave his date of birth as 1-1-1928 and accordingly entry has been made in the service records. However, later it was detected that according to the date of birth in the service records, the applicant would have been ineligible for joining service as at the time of joining, he would have been only less than seventeen. It is stated that at that time, the applicant produced his horoscope to show that his date of birth is actually 19-8-1926. By an inadvertant omission, the entry regarding the date of birth in the service records remained uncorrected.

3. This application has been filed after the retirement of the applicant. The retirement was made on 6-9-1985 pursuant to a telegram from the Divisional Personnel Officer dated 4-9-1985. The copy of the Service Card of the applicant has been produced by the respondents which shows that his date of birth has been entered as 1-1-1928. In view of the said entry which has not been corrected till date, the applicant can be retired only on 31-12-1985. It is not clear on what basis the applicant was retired on 6-9-1985.

4. The applicant would rely on the copy of the certificate relating to his High School Examination in support of his plea that his date of birth is 10-1-1928 and hence he should have been retired from service only on 31-1-1986. This ^{plea} ~~version~~ of the applicant cannot be accepted. His averment in the application that at the time of joining service, he had produced his High School Examination Certificate is on the

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face of it not acceptable, since the applicant passed the High School Examination only in the year 1950 while he joined the service in 1944.

5. In the result, we hold that the retirement of the applicant on 6-9-1985 is illegal. The applicant shall be treated as having been in service till 31-12-1985. He will be eligible for consequential benefits both in respect of salary and allowances during the period ^{intervening} and retirement benefits.

6. The application is allowed as above.

On 15-4-1987
(G.SREEDHARAN NAIR)
MEMBER (J)
15-4-1987

V.S.BHIR
(V.S.BHIR)
MEMBER (A)
15-4-1987.