

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF DECEMBER, 2002

original Application No.316 of 1996

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Bans Bahadur, Son of Ram
Adhar, Resident of village
Kurwa, PO Mewapur, district
Faizabad working as PWI-3,
Kannauj, District Farrukhabad

... Applicant

Versus

1. Union of India through
General Manager,
North Eastern Railway,
Gorakhpur.
2. Divisional Railway manager,
North Eastern Railway,
Izat Nagar.

... Respondents

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 29.6.1995 by which he was intimated that he will retire from service w.e.f. 30.6.1995. The date of birth of the applicant as per service record is 22.6.1937. Thus calculating on the basis of the aforesaid date the applicant was due for superannuation on 30.6.1995. The case of the applicant is that his date of birth was 5.10.1939. This OA was filed on 1.3.1996 i.e. after about 8 months of the retirement. No dispute was raised during the service period about the date of birth. Hon'ble Supreme Court in several cases has already held that dispute regarding the date of birth

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raised at the verge of retirement should not be entertained. Applicant joined service on 23.3.1964 and worked for more than 31 years but he never raised any objections. In the circumstances, the retirement of the applicant by the impugned order does not suffer from any illegality.

The OA has no merit and is dismissed accordingly.

No order as to costs.

VICE CHAIRMAN

Dated: 11.12.2002

Uv/