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CENTRAL ADMINISTRATIVE TRIBUNALALLAHABAD BENCHALLAHABADAllahabad this the 28/1 day of Aug 2000.CORAM:- Hon'ble Mr. S. Biswas, Member (A).Orginal Application No. 689 of 1996.

Nanhku Ram Yadav, S/o Sri Javtoo

R/o village - Pakni. Post - Ahraula

Distt. Azamgarh.

..... Applicant.

Counsel for the applicant:- Sri S.S.P. Gupta.

V E R S U S

1. Union of India

through Sub Divisional Inspector (P)

Phool Pur Sub Post Office Division

Phool Pur ,Distt. Azamgarh.

2. Sub Post Master, P.O. Khajuri

Distt. Azamgarh.

..... Respondents.

Counsel for the respondents:- Km. S. Srivastava.

O R D E R

(By Hon' Mr. S. Biswas, A.M.)

By way of this O.A, under section 19 of the Central Administrative Tribunal Act 1985, the applicant has sought that the order dated 23.04.1996 be quashed and the consequential relief of continuing in the service upto 2004. be granted.

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Contd.....

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2. The applicant was working as E.D.D.A. (Postman) at the sub post office , Khajuri since 1965 on adhoc basis. It is alleged that according to his age, he should have been retired from service in 2004 when he was to complete 65 years of age but the Sub Post Inspector, Phoolpur sub-division, retired the applicant from service w.e.f. 15.07.1996 by the impugned order Dt. 23.04.1996. The applicant submits that he had not completed 65 years age on 15.07.1996 but he was much younger then.

3. On 07.10.1995 the applicant was informed by the respondents that at the time of his recruitment he had given his age as 36 years in the application and accordingly he would be retired in 1996. He was asked to submit his representation by 22.10.95, if any. (copy of letter Dt. 07.10.95 is annexed as Annexure-I)

4. The applicant refuted this by stating in his reply Dt. 20.10.95 that he was 26 not thirty six which was wrongly mentioned. The applicant received a further notice from the respondents Dt. 16.04.96 (annexure-3) whereby he was given another opportunity for correct determination of his age under dispute with reference to educational qualification and

5. The applicant statedly produced a transfer certificate Dt. 22.04.96 in support of his date of birth being 30.07.39 that is to say the applicant was barely 57 in 1996 ^{when} _{he} proposed to be retired. The said transfer order dated 22.04.96 was issued by Basic Shilpa Parishad, Azamgarh.

6. The learned counsel for the applicant has argued that if this age was declared as 36 years in 1965 then his year of birth should be 1929 not 1931 as the respondents has

made it out to be, the so called age as allegedly endorsed in the application is not ~~compatible~~ with the ^{so} date of birth which the respondents have worked out. Hence, the application for service by the applicant, as new produced, is forged.

7. Heard the rival parties counsels.

8. The learned counsel for the respondents has relied her arguments mainly on two points. The applicant in his application in 1965 had clearly endorsed his age as 34. Besides the Phoolpur Survey Inspector has also furnished the date of birth of the applicant which is 16.07.31. I have perused both the documents annexed to C.A. It is clear that the applicant himself has admitted his age as 34 in the application form. There is no evidence to hold this as forged.

The notice Dt. 07.10.95 subject to reply given ^{to be} is a tentative age but the respondents have after hearing the applicant has accepted the date which on verification of the endorsement in the application was found to be 34 not 36. The descriptive details furnished by the Phoolpur Survey Inspector is corroborative in nature. The respondents have denied issue of any transfer certificate of the Basic Sikhsa Parishad to be relied upon at this stage for determination of age of retired official staff

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9. The respondents in this case have adopted the age furnished by the applicant himself. The date of birth and retirement date were determined on the basis of the same very fact. I do not find any reason to interfere with this fact. Original application fails on merits. Hence it is rejected.

No. order as to costs.

S - Bawas

/Anand/

Member (A)