

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 5th day of March, 2001

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.

Original Application No. 672 of 1997

Krishna Dhar Dubey , S/o Sri Manik Dhar Dubay
R/o Vill. & Post Office Ramwanpur Dubey,
Distt. Siddharth Nagar.

.....Applicant

Counsel for the applicant:- Sri M.K. Upadhyay

V E R S U S

1. Union of India through the Secretary (Posts)
M/o Communication, Dak Bhawan, Sansad Marg,
New Delhi.
2. Post Master General, Gorakhpur Region,
Gorakhpur.
3. Superintendent of Post Offices, Basti Division,
Basti.

.....Respondents.

Counsel for the respondents:- Sri S.C. Tripathi

O R D E R (oral)

(By Hon'ble Mr. S. Dayal , A.M.)

This application has been filed for a direction
to set-aside the order dt. 11.06.96 passed by respondent
No. 3 by which the applicant was advised to make formal
application for pension atleast one year ⁱⁿ advance of

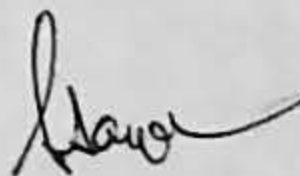
anticipated date of retirement to avoid delay in commencement of pension. A direction has also been sought to correct the date of birth of the applicant in service record as 28.02.42 and permit the applicant to continue in service till the age of superannuation on the basis of corrected date of birth.

2. The case of the applicant is that he was appointed as E.D.D.A, Milhawal Bazar, Disst. Basti on 02.01.62. On the basis of Pseudonymous complaint dt. 17.12.91 that the applicant has declared wrong date of birth, a vigilance enquiry was made against the applicant. The Assistant Superintendent (Vigilance) in the office of Post Master General, Gorakhpur region recorded statement on complaint and collected evidence and submitted his preliminary enquiry report. On the basis of preliminary enquiry dt. 09.06.92, disciplinary authority initiated disciplinary proceeding under Rule 14 of the CCS (CCA) Rules, 1965 alleging against applicant by serving charge-sheet dt. 11.01.94. The charge against the applicant was that he furnished false information regarding his date of birth at the time of appointment in the department. It is mentioned that the applicant had shown his date of birth as 01.08.39 in his service book and other departmental records. On preliminary enquiry conducted by Assistant Superintendent (Vigilance), his date of birth is found to be 28.02.42. The enquiry Officer after conducting disciplinary enquiry gave a finding on 28.02.95 and stated that the charged employee was not liable for furnishing false information. Date of birth shown in certificate of 8th class as 01.08.39 was not due to the fault of applicant but on account of declaration of his guardian.

3. On this report of enquiry officer, the disciplinary authority while agreeing with the report concluded that the applicant came to the cadre of E.D.D.A on 02.01.62 and his transfer certificate after passing 8th class examination showed his date of birth on 01.08.39 on the basis of which he entered in the service of department and, therefore, the applicant is to be superannuated on the basis of this date of birth.

4. I find that the applicant had declared the date of birth as 01.08.39 on the basis of his school leaving certificate of 8th class at the time of his entry into service. He is seeking a change in his date of birth on account of the fortuitous circumstances of complaint and departmental enquiry when he has reached the final year of his service. I find no merit in such an application. The application is, therefore, dismissed.

5. There will be no order as to costs.


Member- A.

/Anand/