

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

O.A. No. 524 of 1998

Allahabad : This the 11th day of December, 2003

HON'BLE MAJ GEN K K SRIVASTAVA, MEMBER-A
HON'BLE MR. A.K. BHATNAGAR, MEMBER - J

Abhinandan (Dakpal),
son of Gajadhar Prasad,
resident of Barna Tehsil,
Aliganj, District Etah.

...applicant.

By Advocate : Shri A K Singh

versus

1. Union of India through
Director General of Posts
and Telegraph, New Delhi.
2. Superintendent Dak Ghar,
Etah Mandal, Etah.

...Respondents.

By Advocate : Km. Sadhna Srivastava

O R D E R

By Hon'ble Maj Gen K K Srivastava, Member A

In this O.A. filed under section 19 of Administrative Tribunals Act, the applicant has prayed for quashing the selection process initiated in pursuance to the notification dated 26.2.1998 for filling the post of E.D.B.P.M., Barna district Etah and has prayed for direction to the respondents to allow him to continue on the post of E.D.B.P.M. till 02.05.2000, ^{b.r.} the age of superannuation.

2. The case of the applicant is that he was appointed as E.D.B.P.M., Barna on 01.02.1956 and his date of birth, as per the applicant, is 03.05.1935.

3. The claim of the applicant has been resisted by the respondents by filing C.A. Ms. Sadhna Srivastava, learned counsel for the respondents submitted that the correct date

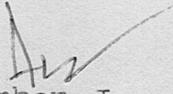
of birth of the applicant is 03.05.1933.

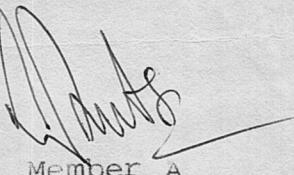
4. The cause list was revised but none appeared for the applicant. Since the case pertains to the year 1998, we are deciding it on merits under rule 15 of C.A.T.(Procedure) Rules 1987.

5. We have heard learned counsel for the respondents and perused records as well as the pleadings.

6. Admittedly the applicant was appointed as E.D.B.P.M. Barna on 01.2.1956. The respondents have filed the copy of the descriptive particular (Annexure CA II) of the applicant alongwith service particulars, which is required to be maintained in respect of every E.D.A. The perusal of the same shows that the date of birth of the applicant recorded in the descriptive particulars, is 03.05.1933. The descriptive particular form was filled up and the applicant has put his thumb and fingers impressions on the same regarding correctness of the particulars. Therefore, the applicant, just before one month of his superannuation, cannot plead that his date of birth is different than what is recorded in official documents. The contention of the applicant that his date of birth is 03.05.1935 is not acceptable to us.

7. The O.A. is devoid of merit and is liable to be dismissed. The O.A. is accordingly dismissed with no order as to costs.


Member J


Member A

Brijesh/-