

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD

Allahabad : Dated this 1st day of December, 2000  
Original Application No.782 of 1998

CORAM :-

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

Girish Tiwari, S/o Sri Mahatma Tiwari,

Resident of Village & Post-Percia Chitna Singh,

Bankata District-Devaria.

(Sri Satish Dwivedi, Advocate)

.... Applicant

Versus

1. Union of India through the Secretary,  
Ministry of Communication, Government of India,  
New Delhi.

2. The Senior Superintendent of Post Offices,  
Devaria Division, Devaria-274 001.

3. The Sub Divisional Inspector, Post Offices,  
Eastern Sub Division, Devaria-274 001.

4. Sri Suraj Nath, resident of Village and  
Post-Percia Chitna Singh Bankata,  
District-Devaria.

(Km. Sadhna Srivastava/Sri Ashish Srivastava, Advocates)

.... Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application filed under Section 19 of the  
Administrative Tribunals Act, 1985, the applicant has  
challenged the order dated 13-7-1998 passed by the  
Senior Superintendent of Post Offices, Deoria Region,  
Deoria by which he corrected the date of birth of



respondent no.4, Sri Suraj Nath after his retirement. The facts in short are that respondent no.4 joined the service and his date of birth was recorded as 01-1-1932. After attaining the age of superannuation of 65 years, he retired on 31-12-1996 and accepted entire retiral benefits. However, on 26-3-1997, he made a representation that his date of birth is 21-5-1941. He also filed evidence. He challenged the order of retirement on the basis of the aforesaid evidence. Respondent no.2 accepted his contention and passed the impugned order holding that the date of birth of respondent no.4 is 1-1-1936. The stand of the respondent <sup>now</sup> was not accepted. Thus, <sup>the officer</sup> made out a third case. The applicant was appointed after retirement of respondent no.4 on regular basis. Aggrieved by the aforesaid order he has approached this Tribunal.

2. Learned counsel for the applicant has submitted that after retirement, the date of birth could not be changed. He has placed reliance on the judgement of the Hon'ble Supreme Court in the case of State of Orissa and Ors. Vs. Ram Nath Patnaik, 1997 SCC(L&S) 1141. In the aforesaid judgement the Hon'ble Supreme Court held as under :-

"When entry was made in the service record and when respondent was in service, he did not make any attempt to have the service record corrected. Any amount of evidence produced subsequently would be of no avail. The High Court, therefore, has committed manifest error of law in refusing to entertain the second appeal."

3. In the case before the Hon'ble Supreme Court also, <sup>in suit was filed</sup> for correction of date of birth after retirement, the view expressed by the Hon'ble Supreme Court is squarely applicable. In our opinion, the order of the respondent no.2 cannot be sustained.

4. For the reasons stated above, this application is allowed. The impugned order dated 13/17-7-1998 is quashed. Consequently the order dated 18-7-1998 is also quashed. There shall be no order as to costs.



Member (A)



Vice Chairman

Dube/