

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 26TH DAY OF MARCH, 2003

Original Application No. 946 of 1998

CORAM:

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

Inamul Haque, Son of
Shri Ayub Ali, R/o village & Post
Gangeru, Tehsil Budhana
district Muzaffarnagar.

.. Applicant

Versus

1. Union of India through
Secretary, Ministry of Telecommunication
New Delhi.
2. The Post Master General,
U.P. Lucknow.
3. The Senior Supdt. of Post Offices
Muzaffar Nagar Division,
Muzaffar Nagar.

.. Respondents

(By Adv: Shri R.C.Joshi)

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 prayed for quashing the order dated 19.6.1998(Annexure 1) and order dated 6.7.1998(Annexure 1-A). Applicant has also prayed for a direction to the respondents to treat the applicant in service and to reinstate him treating his date of birth as 9.7.1938.

The facts of the case are that the applicant was appointed as Extra Departmental Branch Post Master (In short E.D.B.P.M) w.e.f. 1.9.1962. The date of birth was mentioned in service record as 9.7.1933. The applicant was retired from service on 7.7.1998. The applicant

filed writ petition before Hon'ble High court which was registered as writ petition No.20389/98. The writ petition was dismissed by order dated 21.7.1998. Then applicant filed this OA on 31.8.1998.

Resisting the claim of the applicant counter reply has been filed. It is clearly mentioned that applicant was appointed as EDBPM ^{and} he was asked to give the proof about his date of birth. At the time of appointment he informed his date of birth as 9.7.1933. He submitted a certificate on which inquiry was made from the Head Master of the school and the Principal informed the date of birth of the applicant as 9.7.1933. Thus, the applicant has been rightly retired on the basis of the date of birth mentioned in the service record. Copy of the certificate ~~was~~ issued by Principal of the school dated 14.9.1998 has been filed as (Annexure 1 to the CA) which clearly mentions that the date of birth of the applicant is 9.7.1933. In the circumstances, the applicant has been rightly retired by the impugned order dated 19.6.1998. Hon'ble Supreme court has held in number of cases that if the date of birth is challenged at the verge of retirement it should not be ~~accepted~~ ^{entertained}.

The OA has no force and is accordingly dismissed. No order as to costs.


VICE CHAIRMAN

Dated: 26th March, 2003

Uv/