

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1268 of 1998

Allahabad this the 26<sup>th</sup> day of September 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Smt. Kamla Devi, Widow of Late Shri Phool Singh,  
Class IVth Employee, Head Post Office, Budaun,  
resident of Railway Station, Civil Lines near  
Masjid, District Budaun.

Applicant

By Advocate Shri T.C. Sharma

Versus

1. The Union of India through the Department of Posts, India.
2. The Post Master General, Bareilly Region.
3. The Superintendent of Post Offices, Budaun Region.
4. The Post Master, Head Post Office, Budaun.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

Smt. Kamla Devi has come up with a grievance that she has been retired 10 years prior to her attaining superannuation. As per applicant's claim that her age as on 06.9.1982

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was 34 years and thereby her superannuation, after attaining 60 years of age, should have <sup>been</sup> 06.9.2008 but he has been retired on 30.9.98.

2. As per applicant's case, she was appointed on compassionate ground after death of her husband in harness and she mentioned her real age at the time of appointment, but the same has erroneously been recorded in her service record and without any information or notice to her, <sup>s</sup>he was retired on 30.9.1998, which she understand to have been retired prematurely without any notice. She made representations to the department, but ~~all~~ of ~~not~~ avail. Therefore, he has come up before the Tribunal seeking relief to the effect that the respondents be directed to allow her in service till she actually attains 60 years of age, taking ~~his~~ <sup>her</sup> actual date of birth to be 34 years <sup>as</sup> prior to 06.9.82.

3. The respondents have contested the case and filed reply with the mention that the applicant-Smt. Kamla Devi was recruited and appointed as Group 'D' employee in the Department of Posts w.e.f. 31st March, 1994 afternoon, in relaxation of rules on the demise of her husband-Shri Phool Singh. Being an illiterate lady, she did not possess school certificate in support of her date of birth. However, her date of birth was recorded as 05.9.1938 in the official records on the basis of her age shown in the application form for recruitment in relaxation of rules, which were prepared after the death of

her husband. It has also been mentioned that she accepted and confirmed her date of birth/age by putting her signatures on the concerned forms. The respondents have pleaded that the applicant did not furnish the medical certificate <sup>as</sup> ~~on~~ the basis of age, now she claims to be of 34 years on 06.9.81982. It has also been mentioned that vide memo dated 11.9.1998, she was served with retirement order, but she has not challenged this retirement order and, therefore, relief sought cannot be granted to her.

4. Heard, Sri T.C. Sharma, learned counsel for the applicant and Sri S.C. Tripathi, learned counsel for the respondents.

5. The applicant has come up to get corrected her date of birth in official record when she has already been retired. She has based her claim on the medical certificate obtained on 06.9.82, copy of which has been annexed as annexure -2 to the O.A. According to which she was examined by officiating Chief Medical Officer, Budaun on 08.9.82 and she mentioned her date of birth to be 34 years at that time and the Medical Officer also verified that he found applicant-Smt.Kamla Devi to be of 34 years on that date. It goes to show that the Medical Officer did not dispute the age which the applicant mentioned before him, and verified the same without any radiological tests like X-ray etc. and, therefore, this medical report cannot be taken as reliable evidence to ascertain the date of birth of--t

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of the applicant. Moreover, the respondents have a definite case that the applicant did not submit this medical certificate during the tenure of her service, but filed its copy only ~~with~~ with the representations submitted after her retirement. This position further mitigates the reliability and evidenciary value of this document. The respondents have also brought on record the application filed by the applicant-Smt.Kamla Devi at the time of seeking her appointment on compassionate ground, which mentions her age as 44 years on 25.7.83. Another Form 3 under Rule 54(12) submitted by the applicant on 16.6.1994 shows her date of birth to be 05.9.1938, copy of which has been annexed as annexure C.A.-2 with the counter-reply. There is another annexure C.A.-3, which is dated 11.9.1998, through which the applicant was ~~per~~ permitted to retire in the afternoon of 30.9.98, but this order has not been impugned by the applicant.

6. From the above, it is quite evident that the applicant has failed to establish that her age was only 34 years on 06.9.82, but the respondents could establish that as per the documents filed by the applicant herself, the date of her birth is mentioned as 05.9.38 and thereby she has rightly been retired on superannuation on 30.9.98 after attaining the retirement age of 60 years.

*See*

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7. For the above, I do not find any merit in the O.A., which is dismissed accordingly, with no order as to costs.

*See again.*

Member (J)

/M.M./