

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF FEBRUARY, 2001

Original Application No.157 of 2001

CORAM:

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

HON.MR.V.SRIKANTAN, MEMBER(A)

Surya Narain Pandey son of
Shri Indrajit Pandey, Mohalla
Dhanakpur, P.O. Shahgarh
District Azamgarh

... Applicant

(By Adv: Smt. S.Rai)

Versus

1. Union of India through Secretary
Ministry of Post Telecommunication
New Delhi.
2. Post Master General
Gorakhpur.
3. Senior Supdt. of Post Offices
District Azamgarh
4. Sub Divisional Inspector
East, Azamgarh

... Respondents

O R D E R (Oral)

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

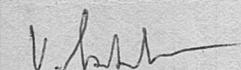
By this OA the applicant has challenged his retirement on 8.7.2000 from the post of E.D.B.P.M. It is claimed that the correct date of birth of the applicant is 16.7.1937. However, on the basis of the incorrect date of birth, recorded in service record i.e 10.7.1935 the applicant has been retired. In support of the contention applicant has relied on horoscope. Applicant has not disclosed his date of birth recorded in School register.

It cannot be disputed that when applicant joined the post of E.D.B.P.M he was a literate man and he knew his date of birth. It was never disputed through out the service of 45 years. Hon'ble Supreme Court has clearly said that dispute regarding date of birth should not be entertained after retirement. In the circumstances we do not find any substance in the claim of the applicant.

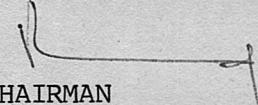


The learned counsel for the applicant has then submitted that the applicant has not ^{been} paid the amount of salary for the period applicant was on leave and non payment of other benefit has also been alleged. For this purpose in our opinion the appropriate course would be ^{to} giving liberty to the applicant to file a representation before respondent no.3 Senior Supdt. of Post Offices Azamgarh. The claim of payment of salary for 9.7.2000 may also be raised in the representation which shall be considered and decided by a reasoned speaking order by Respondent no.3 within a period of three months from the date a copy of this order is filed before him.

The OA is disposed of accordingly with the direction to the Respondent no.3 to consider and decide the representation of the applicant by a speaking and reasoned order within a period of three months from the date a copy of this order is filed before him. However there will be no order as to costs.



MEMBER(A)



VICE CHAIRMAN

Dated: 28th Feb. 2001

/Uv/