

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 5TH DAY OF JANUARY, 2001

Original Application No.03 of 2001

CORAM:

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

HON.MR.S.DAYAL, MEMBER(A)

Paras Nath Tripathi, Son of
Late Devi Prasad Tripathi, R/O
Village K ota Post Office Kota
Bishauli, District Sonbhadra

.... Applicant

(By Adv: Shri P.C.Jhingan)

Versus

1. Union of India through the Secretary
Ministry of Communication, Govt.
of India, New Delhi.
2. Director General Posts & Telegraph
New Delhi
3. Superintendent of Post Offices,
Mirzapur
4. Sub Divisional Inspector, Post Offices
Robertsganj, District Sonbhadra

.... Respondents

ORDER(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

We have heard Shri P.C.Jhingan learned counsel for the applicant. By this application u/s 19 of A.T.Act 1985 the applicant has challenged the order dated 4.12.2000 by which he had been intimated that he shall attaining the age of superannuation on 7.1.2001, on the basis of his date of birth mentioned in the service record as 8.1.1936.

Learned counsel for the applicant on the basis of School Leaving certificate (Annexure 3) has tried to impress us that the actual date of birth of the applicant is 21.1.1938. However, we ~~do~~ not agree ~~that~~ as Hon:Supreme Court has very cleary said that challenge with regard to the date of

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birth, at the verge of retirement should not be entertained. The learned counsel for the applicant has also placed before us the letters dated 26.7.1995, 26.8.1996 and 6.4.1998 by which informations were sought with regard~~s~~ to all employees in the post offices including the date of birth. The learned counsel has submitted that if the respondents had been in possession of the date of birth shown as 8.1.1936 this information may not have been asked for. The contention has no force. From the perusal of the letter it is clear that all these letters proceeded ~~and~~ ^{the} inspection of the Post offices and ~~as~~ ^{by} practice ~~of~~ ^{is} such information ~~is~~ ^{are} required to be supplied at the time of inspection. The applicant joined service on 28.2.1958 and is retiring on 7.1.2001. He has already served about 42 years. We do not find it a fit case for interference. The application is rejected. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

Dated: 5.1.2001

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