

**Central Administrative Tribunal
Jammu Bench, Jammu**



TA No.8557/2020
(SWP No. 987/2018)

Monday, this the 10th day of May, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Abdul Kabir Yatoo, Aged ___ years
S/o Ghulam Muhammad Yatoo
R/o Bandzoo, Pulwama.

...Applicant

(Mr. M.Y. Bhat, Senior Advocate)

VERSUS

1. Union of India
Through its Development Commissioner Handicrafts
Ministry of Textiles
New Delhi, West Block No.7
R.K. Puram (New Delhi).
2. The Regional Director (NR)
O/o the DC(H) New Delhi.
3. Development Commissioner (Handicrafts) Field
Administrative Cell Baghat Burzulla
Srinagar Kashmir.
4. Deputy Director (Admn.II) Handicrafts
Ministry of Textiles
Govt. of India
Srinagar/Jammu.
5. Assistant Director
Office of the Development Commissioner
(Handicrafts) (A&C) FAC Srinagar.

6. The Accounts Section
(Handicrafts), FAC Srinagar.

...Respondents

(Mr. Raghu Mehta, Senior CGSC)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant joined the organization of the respondents in the year 1986 as Craft Instructor on daily wage basis. After a prolonged legal battle, his services were regularised in the year 2012. The respondents served upon him, a letter dated 28.01.2019, informing that he would retire from service on 30.04.2019 on attaining the age of superannuation. The applicant filed SWP No. 987/2018 before the Hon'ble High Court of Jammu & Kashmir, challenging the same.

2. According to the applicant, his date of birth is 01.09.1964 and there was absolutely no basis for the respondents in proposing to retire him in April, 2019. He made reference to certain documents, including the entries in the service record.

3. The respondents filed a detailed counter affidavit. According to them, the applicant himself furnished his particulars, including the date of birth, at the time of joining



service as well as at the time of regularisation of his service and it was mentioned as 24.05.1959. They contend that the plea of the applicant is devoid of any merit. The Hon'ble High Court was pleased to pass an interim order, enabling the applicant to continue in service beyond 30.04.2019.

4. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 8557/2020.

5. Today, we heard Mr. M.Y. Bhat, learned senior counsel for applicant and Mr. Raghu Mehta, learned Senior Central Government Standing Counsel for respondents.

6. The joining of the applicant as Craft Instructor in the respondent-organisation in the year 1986 was on daily wage basis. The post is such that no educational qualifications were stipulated therefor. Obviously for that reason, the verification of the documents pertaining to the educational qualifications did not take place at any point of time. On the basis of the direction issued by the Hon'ble High Court in the SWP, the services of the applicant were regularized in the year 2012. It is then, that the service register of the applicant was prepared.



7. The date of birth entered in the service register becomes the basis for determining the date of superannuation of an employee. In the instant case, the applicant submitted his biodata as well as the attestation form in the prescribed format in the year 2012. Both the documents are signed by him and the entries are made on his own accord. In both of them, the date of birth was mentioned as 24.04.1959 and in one of them, it is written in words also. The age as on 24.04.2012 was mentioned as 53 years. The respondents made the relevant entries in the service record and determined the age of superannuation.

8. It may be true that in one of the columns in the service book, the date of birth 01.09.1964 is written. That appears to be a subsequent entry and at any rate, it has no legal or factual basis. Any amount of evidence or material cannot override the statements made by the applicant on his own accord. Added to that, the page, which contains the date of birth as 01.09.1964, does not command any acceptability even at the first blush. Viewed from any angle, the plea of the applicant that his date of birth is 01.09.1964, particularly when he himself mentioned the date 24.04.1959 in words way back in the year 2012, cannot be accepted. This also corresponds to the age.



9. We do not find any merit in the T.A. It is accordingly dismissed. We, however, direct that since the applicant was paid salary for the work done by him, no recovery shall be made for the service rendered by him beyond 30.04.2019. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 10, 2021
/sunil/jyoti/dsn/