



A2  
2

in the scale of Rs.550-750/- and after intervening promotions he retired from service on 30-6-81 inasmuch as according to him his date of birth was wrongly recorded as 1-7-23 and as a matter of fact his correct date of birth is 16-7-27.

2. The applicant filed a Civil Suit in the Court of Munsif Judge, <sup>Garakhpur,</sup> which was dismissed. Thereafter he filed a Suit in the Court of District Judge, which was transferred to the Court of Civil Judge-I, Garakhpur, who allowed the Suit vide his judgement and decree dated 24-12-83 and directed that his correct date of birth is 16-7-27 and the date of birth recorded in the service records is incorrect and the respondents were directed to correct the same.

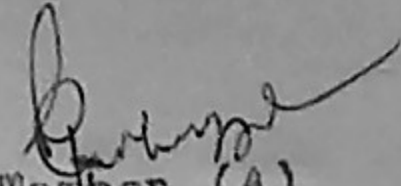
3. The Administration filed a second appeal before the High Court which was dismissed on 1-4-92 and the judgement of the High Court is also placed on the records. Now the position is clear that the applicant has been wrongly retired. He should have been retired in the year 1985. In case he would have continued upto that date, the applicant would have been entitled to the benefit which has been claimed by him in this application.

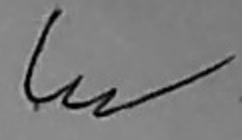
4. The respondents have resisted the claim of the applicant stating that his date of birth was correct and further stated that the judgement and order passed by the Appellate Court is under challenge. Now the challenge has come to an end and the case has got to be allowed. Accordingly this application is allowed and the respondents are directed to grant the reliefs mentioned above, in case the applicant would have been allowed to continue to hold the said post, the applicant would have earned these increments, allowances, salary, promotions, etc. as enumerated by him. As such the respondents are

W

3/12

directed to give the said reliefs as enumerated  
in the application, within a period of 3 months  
from the date of communication of this order.  
No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 26th November, 1992, Allahabad.

(tgk)