

123

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

* * * * *

Registration T.A.No. 1142 of 1986

Raheem . . . vs. . . . Union of India and others.

Hon'ble D.S.Misra, A.M.

Hon'ble G.S.Sharma, J.M.

(Delivered by Hon. D.S.Misra, A.M.)

This is an original suit (O.S.No. 1134 of 1984) pending in the court of Munsif, Kanpur which has come on transfer under Section 29 of the Administrative Tribunals Act (XIII of 1985).

2. The admitted facts of this case are that the plaintiff worked under the defendants for various periods from 18.1.1942 to 24.11.1953 in various capacities; that on 24.11.1953 he was employed as Tailor Group D and worked continuously thereafter; that at the time of his retirement with effect from 1.4.1965, he was holding the post of Tailor 'Mistri' A. The grievance of the plaintiff is that he was born on 16.1.1927 and was scheduled to retire on or after 31.1.1987 on attaining the age of 60 years: but he was retired with effect from 31.1.1984. The plaintiff sought a declaration that the order dated 30.1.1984 retiring him with effect from 31.1.1984 be declared illegal and void,

bl

A3
2

2

and he may be declared to continue in service with full benefits till 31.1.1987.

3. In the reply filed on behalf of the defendants it is stated that at the time of initial appointment on 18.1.1942, the plaintiff had disclosed his educational qualification as nil and had stated his age as 18 years, though according to the medical assessment he appeared to be ^{15 years old;} that had the age as assessed by the Medical Officer been accepted the plaintiff would not have been recruited in 1942; that taking a sympathetic view, the age of 18 years declared by the plaintiff was accepted and his date of birth was worked out as 17.1.1924; that the plaintiff was retired on the afternoon of 31.1.1984 on ~~a~~ his attaining the age of 60 years; that the plaintiff is not entitled to any relief as he has been retired correctly. A replication was filed on behalf of the plaintiff in which the allegations made in the plaint were reiterated. On the application of the plaintiff the defendants produced his service book.

4. We have heard arguments of the learned counsel for the parties and perused the record of the case. Learned counsel for the plaintiff stated that the plaintiff was an illiterate person and was not aware of the entries made in his service book.

bl

133/3

3

On going through the service book it is found that during the medical examination the plaintiff was assessed to be of 15 years of age, but from the statement his age was recorded as 18 years. However, in the declaration form given on 7.10.1960 the age on 17.1.1942 is stated to be 15 years. In yet another document prepared on 13.7.1960 the date of birth is mentioned as 17.1.1927. However, this entry has been encircled and another entry showing ' 17.1.1924 ' is made therein. It is difficult to ascertain the officer who made this entry of 17.1.1924 against the column of date of birth. We have considered the matter and we find that as a general rule of employment in Government departments the minimum age for employment was 18 years. The plaintiff could not have been employed under the defendants & unless he had declared himself to be 18 years of age. Since the plaintiff has already availed of the benefit of the age declared on 17.1.1942, he could not be allowed to take the benefit of another date as recorded in his service book and continue in Government service for a further period of three years. We are of opinion that the competent authority has taken all these facts into consideration in passing the order dated 30.1.1984 retiring the plaintiff with effect from 31.1.1984.

The suit is dismissed without any order as to costs.

Member (A)

May 7, 1987.

R.Pr.

Member (J)