

Reserved *A2*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

T.A. No.1367(T) Of 1987

Behari Lal Sharma Applicant

Versus

The Union of India & others..... Respondents.

Hon.D.S. Misra- AM

Hon.G.S.Sharma- JM

Delivered by Hon.D.S.Misra-AM).

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This is a ~~original~~ Writ Petition

No. 5519 of 1983 which was pending in the High Court of Judicature at Allahabad and has come on transfer under section 29 of the Administrative Tribunal Act no.XIII of 1985. The petitioner has prayed for the quashing of the order retiring him from service w.e.f. 30.6.1983.

2. The admitted facts of the case are that the applicant started his service as Mail Peon under the Post Master, Dehradun w.e.f. 1.4.1945. After passing the High School Examination in the year 1951, he was appointed as a Clerk. The date of birth recorded in his service book being 20.6.1925, the applicant made representation regarding the incorrect date of birth requesting for it being corrected as 4.7.1930 as indicated in his Matriculation Certificate. The representation of the petitioner was rejected by the Director, U.P. Postal Services by his order dated 28.7.1959 and subsequent representations of the petitioner also did not change the situation.

3. We have heard the learned counsel for the parties and have carefully perused the documents on record. The original service book of the petitioner

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was produced by the respondents. The main ground advanced by the learned counsel for the petitioner is that the petitioner was engaged as a Boy Peon and according to P & T Manual on Establishment, the minimum age prescribed for appointment as Boy Peon is 15 years. The original service book of the applicant shows that the applicant was appointed as Mail Peon and not as Boy Peon xxx as claimed by the learned counsel for the petitioner. The service book containing the entry of date of birth of the petitioner as 20.6.1925 bears the signature of the applicant dated 7.8.1963. This ^{be} ~~above~~ date is after the rejection of the claim of the petitioner for correction of his date of birth by the Director, Postal Services in the year 1959. We are of the opinion that the entry of the date of birth in the service book of the petitioner, duly counter signed by him is conclusive. The applicant appears to have passed the Matriculation examination in the year 1951, six years after joining the service as Mail Peon under the respondents. No reliance can be placed on the date of birth mentioned in this Matriculation Certificate which was acquired subsequently.

4. For the reasons mentioned above, the petition is dismissed without any order as to costs.

Arshad
MEMBER (J)

Shahid
20-7-80
Member (A)

Dt/- 20th July, 1988/
Shahid.