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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A.No.711 of 1990

JageshwarApplicant.

Versus

Union of India & others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.,

The applicant was appointed as Khalasi in the Office of the Inspector of Works, Central Railway Juhi, Kanpur in the year 1953. According to the applicant, his date of birth is 16.7.35 and he passed his Class V Examination from Municipal School, Prempurwa, Kanpur and he was also issued a School Leaving Certificate, the photostat copy of which has been placed by him on record. It has been stated by him that after considering the service record, the applicant was promoted on the post of Clerk in the year 1987. Later on he came to learn that his date of birth was wrongly recorded in the service record as 1.9.32 instead of 16.7.35 and he for the first time received a letter dated 5.6.90 from the Office of the Assistant Engineer, Kanpur that he was going to be retired on 31.8.90. He filed a representation against the same and even though the representation was not disposed of yet he has been retired from service. According to him, because he was Assistant Secretary of Central Railway Mazdoor Sangh, the rival Union made some complaint against him that as a matter of fact, his date of birth is 1.9.32 and some interpolation has been made in the service record. A charge sheet was issued to the applicant

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on 28.8.90 to the effect that he interpolated his date of birth in the service record from 1932 to 1935 and ~~he~~ was given ten days' time to file written statement but during the said period he was retired from service on 31.8.90. As such it has been prayed by him that the order dated 27.8.90, communicated to him on 29.8.90 regarding his retirement be quashed. The applicant has filed the extract of said service record. From the naked eye, it ^{prominently appears} is clear that some interpolation was done by making '5'. This has been made in Menials' Service Register where the applicant entered the service and put his thumb impressions. Thus, it was within the discretion of the respondent to decide as to what was the correct date of birth of the applicant and they have decided, that is why he was retired. So far as the charge-sheet is concerned, ^{it appears the proceedings were not concluded} ~~the same was proved~~. The applicant had made a representation which is still pending. The representation should have been disposed of associating with the applicant. Accordingly, the application is allowed only to the extent that the respondents are directed to make an enquiry in the matter associating ~~with~~ ^{with the} the applicant and in case they are satisfied that some interpolation has been made, the application ^{and the applicant's retirement would stand} will be deemed to have been dismissed, and if the respondents come to the conclusion that there is no interpolation, the respondents will pass necessary order. Let an enquiry be completed within a period of six months from the date of communication of this order. The applicant shall

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appear before the respondent no.3 on 22.5.92 on which date he shall tell the name of the Officer who will conduct the enquiry. No order as to costs.

DATED: APRIL 29, 1992
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VICE CHAIRMAN.