

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

.....

Original Application No. 207 of 1992

Jagdish Mitter ----- Applicant

Versus

Union of India & others ----- Respondents

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

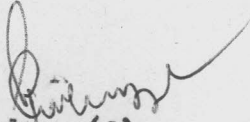
Hon'ble Mr. K. Obayya, A.M.


(By Hon. Mr. Justice U.C. Srivastava, V.C.)

This application has been filed against the order dated 8.6.89 passed by the Chief works Manager (Karmik) in compliance with the order dated 10.5.91 passed by the Chief Manager N.E. Railway Gorakhpur through which service of the applicant for the period between 18.5.90 to 31.10.90 was declared as Dies Non by the mistake committed by the office, who retiring the applicant on ~~dated~~ 17.5.90 taking his date of birth as 15.2.32 instead of retiring on 31.10.90 on the basis of High school certificate. It was pleaded by the applicant that he was appointed initially as casual labour (Khalasi) in the year 1954. The retirement order of the applicant was passed by the respondents and that is why he continued to remain in service but during the period the applicant was out of service in this manner, the salary was not paid also and that is why he has approached the Tribunal.

2. The respondents have opposed the application and have pleaded that the date of birth of the applicant was recorded on the basis of physical appearance he was retired by mistake on 17.5.90 but, when the mistake was detected ^{he} ~~he~~ was taken back in service and allowed to continue and the period during which he remain^{ed} out of service was treated as Dies Non.

2. As the applicant was wrongly retired from service and when the mistake was detected the same was rectified and the applicant was again allowed to continue. The applicant cannot ^{be} made to suffer ^{due to} ~~in his case~~ the mistake ^{of} on the part of the respondents and he can not be deprived of all the salary as such ~~this~~ application is allowed ~~and the~~ respondents are directed to pay salary for the same period which has been treated as Dies Non within a period of 3 months from the date of communication of this order. No order as to costs.


Member (A)


Vice-Chairman

Allahabad

dated 23.3.93

(g.s.)