

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

O.A.No.687 of 1992

Reeti Raman MisraApplicant.

Versus

Senior Superintendent of Post Office &
others.....Respondents.

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

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

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

The applicant, who was Extra Departmental Branch Post Master, feeling aggrieved by the order dated 1.5.92, has approached this tribunal praying that the order dated 1.5.92 be quashed and a direction be issued commanding the respondents not to retire the applicant on 15.5.92 and retire him at the age of 65 years and the applicant shall be deemed to be in service.

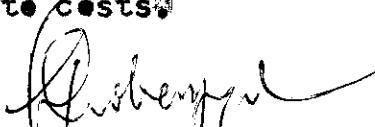
2. The applicant was appointed as Extra Departmental Branch Post Master on 1.10.58. According to the applicant, at that time the date of birth was not given in the appointment letter but subsequently the applicant was required to produce the proof of the age and he did produce the proof of his age i.e. the certificate of Primary School indicating his date of birth as 14.3.36. Notwithstanding the production of the said document, the impugned order in question was passed. The Tribunal granted an interim order only to the effect that no other appointment will be made and it is open for the respondents to take work from the applicant during this period, meaning thereby the retirement of the applicant, as such, was not stayed.

3. The respondents have put in appearance and they have challenged the case of the applicant stating that the applicant gave an application showing his

age at the time of appointment as 30 years and he also informed that he has passed Shastri(Ayurved) Pariksha and he disclosed his age as 30 years, the copy of the said application is placed on record by the respondents as CA-I and CA-II. In the application, he has described himself as Vaid Bhushan and in the application it has been stated that he was aged about 30 years and was working as a registered Vaidh. In the Extra Departmental Agents' Register, the date of birth of the applicant is entered as 16.5.27 though, according to the respondents, somebody has erased the original one and put another date. But when this was brought to the notice of the respondents to confirm the actual date of birth of the applicant, he was directed vide letter dated 8.4.92 to submit the copy of the certificate of Shastri(Ayurved) Pariksha so that his date of birth could be ascertained but notwithstanding the letter in this behalf, the applicant did not submit any such certificate or any proof from the institution where he studied the Shashtri(Ayurved). The applicant filed some certificate from Primary Pathshala showing his date of birth as 14.3.36 and it is on that basis that he stated that his date of birth was wrongly recorded and it ought to have been corrected and he could not be retired on the said date.

4. The facts stated above itself make it clear that when the applicant entered the service, he gave out his age as 30 years and it is on that basis that a particular date of birth was recorded. The date of birth was not corrected even by the applicant. He was to explain and not the respondents. If he relied on the Primary School Certificate, obviously there was other proof also. Although the respondents' case is that the applicant is bound by his own

admission and his own statement made in his application and he cannot turn down that his date of birth was not correctly recorded. Anyhow, one more opportunity is given to the applicant and the respondents shall hold an enquiry associating the applicant with the same. The applicant shall file the Shashtri Certificate and also the Form or application or entry which had been made in the Institution where he studied indicating the date of birth recorded in the said institution. He shall also explain that he is an educated person and under what circumstances he gave his age as 30 years when he entered the service as Extra Departmental Branch Post Master. He shall appear before the Senior Superintendent of Post Offices on 12.11.92 on which date the Senior Superintendent of Post Offices will give the name of the Officer who will hold the Enquiry and the date for the same. The applicant shall appear before that officer. The enquiry shall be concluded as far as possible within a period of three months from the date of communication of this order. If in the result of the enquiry, it is found that the applicant's date of birth was wrongly recorded, the benefit of the same shall be given to the applicant and in case, it is found that his date of birth was correctly recorded as per statement given by him, this application shall be deemed to have been dismissed. With these observations, the application stands disposed of finally. No order as to costs.


MEMBER(A)


VICE CHAIRMAN.

DATED: SEPTEMBER 29, 1992.
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