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(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1539 OF 1993

Allahabad, this the 21st Day of May, 1999.

CORAM : Hon 'ble Mr.S.Dayal, Member (A)  
Hon 'ble Mr.S.K.Agrawal, Member (J)

Lalita Prasad Singh,  
S/o. Sri Triloki Prasad,  
Ex. B.P.M.  
District Jangalgori, Gorakhpur.

.....Applicant

By Shri R.C.Sinha, Advocate.

Versus

1. Union of India & Others.
2. Director, Post Office Mandal  
Gorakhpur Division,  
Gorakhpur.
3. Sr. Superintendent of Post Office  
Gorakhpur Division, Gorakhpur.
4. Sub Inspector of Post Office,  
Sub Division East.

.....Respondents

O R D E R (Open Court)

(By Hon 'ble Mr.S.Dayal, Member (A) )

In this original application the applicant has sought the quashing of order dated 16-3-89 passed by respondent No.1 retiring the applicant at the age of 65 years, the rejection of applicant's representation that he be continued in service till 1-1-1995 by not accepting the declared date of birth that 1.1.1930 is also sought to be quashed.

2. The applicant has claimed in the O.A. that at the time of joining his service he had mentioned his date of birth as 1-1-1930 and submitted his records to the advocate. It is also claimed that the applicant had no way of knowing as to what was recorded date of birth in the service record and did not know that his service record showed his date of birth as 31-1-1924.

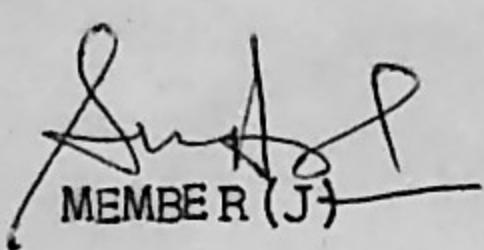
3. The learned counsel for applicant mentions that the order passed was <sup>for</sup> retiring the applicant ~~from~~ with retrospective effect that is from 31-1-1989.

4. We have perused the pleadings on record. We find that while the retirement orders were made in the year 1989, the O.A. has been filed in the year 1993, which is four years after the applicant retired from service. The applicant had made a representation on 19-10-89 which was rejected by letter dated 4-12-89. It is the contention of learned counsel for the applicant that no reasons were shown for rejection of the applicant's representation. Be that as it may this also shows that the applicant has filed this application belatedly which is fatal to his cause, in a case in which date of birth is challenged. The date of birth <sup>has been</sup> also challenged by the applicant only at the ~~end~~ <sup>last</sup> end of his service.

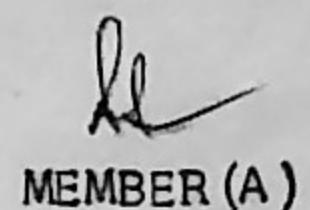
5. We do not know whether the applicant was taken as retired on 31-1-89 or was taken as retired on 16-3-89. It is contention of learned counsel for the applicant that that the applicant worked till 18-3-89 and that charge was taken from him. In case this is borne out by record and the applicant has not been paid for the period after 31-1-89 upto 17-3-89, he is entitled to payment of his remuneration of services upto that date.

6. The respondents are directed to check-up on this issue and in case it is found that the applicant was not paid for the period during which he worked up to 17-3-89, the same shall be given to him upto 17-3-89 within a period of three months from the date of communication of this order.

7. With these directions original application stands disposed off with no order as to costs.



MEMBER (J)



MEMBER (A)

satya/