

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH , ALLAHABAD

Allahabad this the 01st day of November, 2001.

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha , Member- A.

Orginal Application No. 1757 of 1993.

Haridwar Singh S/o Sri Ram Naresh Singh
R/o Village and Post Office, Garhmalpur, Distt. Ballia.
Ex C.P. Chaukidar, Garhmalpur sub post office,
Bilthara Road, Distt. Ballia, U.P.

.....Applicant

Counsel for the applicant :- Sri V.K. Singh

V E R S U S

1. Union of India, through the Ministry of Posts and Telegraphs, Secretary to Government of India, Department of Posts, New Delhi.
2. Superintendent of Post Offices, Ballia Division, Ballia, 277001.
3. Sub- Divisional Inspector (Postal), North Sub-Division, Bilthara Road, Distt. Ballia- 221715.

.....Respondents

Counsel for the respondents :- Km. Sadhna Srivastava

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this O.A under section 19 of the Administrative Tribunals Act, 1985, applicant has challenged the order dated 30.10.1993 by which applicant was retired from the post of C.P. Chaukidar, Garhmalpur sub-post office at the age of 58 years. The claim of the applicant is that



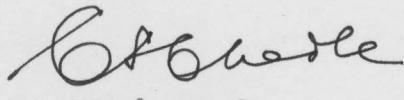
he belongs to group 'D' employee and the age of superannuation is 60 years and he was wrongly retired at the age of 58 years. It is also claimed that applicant joined services on 01.08.1969 and date of birth recorded at that time 02.07.1935. It continued through out his service but behind back of the applicant, it was changed on complaint made by some body and date of birth recorded in service book as 01.11.1927 and on that basis, applicant was retired on 31.10.1993. The submission of learned counsel for the applicant is that this order regarding change of date of birth in service record should not have been changed without giving an opportunity of hearing to the applicant. The order was without authority and in violation of principles of natural justice. Applicant has submitted that order dated 31.10.1993 is liable to be quashed. The applicant is entitled to continue up to 02.07.1995.

2. Km. Sadhna Srivastava, learned counsel for the respondents on the other hand has submitted that there is no illegality in the order. Applicant had concealed the correct date of birth at the time of joining. When a complaint was made, enquiry was conducted and it was found that in school register, the date of birth of the applicant was recorded as 01.11.1927. On basis of the correct date of birth, applicant should have been retired long back but he illegally continued in service on basis of incorrect date of birth. However, learned counsel for the respondents could not explain why opportunity of hearing was not given to the applicant before the date of birth recorded in service book was changed by the respondents. In our opinion, applicant is entitled for the relief to the extent that respondents ~~shall~~ ^{shall} give ~~the~~ notice to the applicant within a month from the date

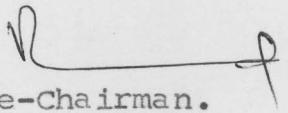


of receipt of this order, calling upon him as to why the date of birth in service record may not be changed. On receipt of notice, applicant shall file his reply within a month. The disciplinary authority/ competent authority then shall decide the question as to what was the correct date of birth on basis of the material filed by the applicant and by the department. The order shall be a reasoned order and shall be passed within three months from the date of filing the reply by the applicant. In case, findings of the authority goes in favour of the applicant, he shall be entitled for ~~difference~~ ^{difference} of the salary, ^{for the period for which he was entitled} ~~to continue in service~~.

3. There will be no order as to costs.



Member- A.



Vice-Chairman.

/Anand/