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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 216 OF 2007.

ALLAHABAD THIS THE 09TH DAY OF MARCH 2007.

Hon'ble Mr. P.K. Chatterji, A.M

Smt. Bhuri wife of Leela Dhar, Resident of Barwala, Police Station Katghar, Moradabad at present working as Helper (Khalasi) Carriage & Wagon Office Northern Eastern Railway, Pilibhit.

(By Advocate: Sri R.B. Gaur/Sri S. Gaur)Applicant
Versus.

1. Union of India through General Manager N. E. Railway, Gorakhpur
2. Divisional Railway Manager, N.E Railway, Izzat Nagar, Bareilly.
3. Divisional Railway Manager, (P), N.E.R. Izzat Nagar, Bareilly.
4. Divisional Mechanical Engineer (C &W), N.E.R Izzat Nagar, Bareilly.
5. Section Engineer (C & W), N.E. Railway, Pilibhit.

.....Respondents

ORDER

Heard Sri R.B Gaur, learned counsel for the applicant.

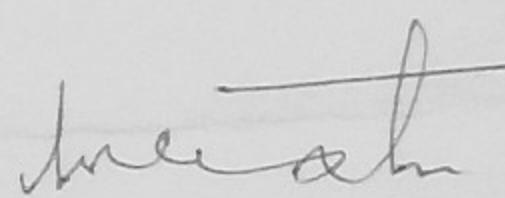
2. The Original Application has been filed by Smt. Bhuri who was appointed on compassionate ground as Helper under respondent No.5 i.e. Section Engineer, N.E. Railway, Pilibhit. She was served a notice by the respondent No.4 that she would be retired from service on 31.3.2007 as she would be completing 60 years of age. According to the service book, the date of birth is 25.3.1947. The applicant, however, is aggrieved that she is being retired prematurely as her date of birth actually is 2.2.1956 as certified in the family register given by the Gram Pradhan (Annexure A-IV). She has also stated that according to the report of Chief Medical Officer, Moradabad dated 24.9.2002, her age was approximately 45 years, therefore, it is not possible that within 5 years, she would attain the age of 60 years. She alleges that her date of birth was not correctly recorded in the service book, although she had put her thumb impression on the service book. Being an illiterate lady, she could not contradict ^{the D.O.B. as} ~~that~~ ^{was} she was not aware as to what the date of birth ~~was~~ recorded in the service book, ^{was} No one ever told about her date of birth.

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3. She has also tried to substantiate her claim by producing the copy of family pension granted to her after death of her husband. In this sanction order, the date of birth of her deceased husband is recorded as 7.10.1952 (Annexure A-1). On the basis of aforementioned records attached with the Original Application, the claim of the applicant does not appear to be wholly concocted, therefore, there is ^a definite need to look into the matter before the applicant is actually retired from service.
4. I do not consider it necessary at this stage to call for any counter affidavit as the O.A. can be disposed of at the admission stage itself by an appropriate order. I, therefore, direct that the respondent No.3 i.e. Divisional Railway Manager, Izzat Nagar, Bareilly will look into the matter. The claim of the applicant should be verified through the record, which have been produced by the applicant in this way. The matters should be given due importance and should not be treated lightly and Divisional Railway Manager should bestow his personal attention to the matter, on the basis of records and other ~~subsistantial~~ ^{circumstancial} factors. It is established that her date of birth is actually 2.2.1956 ~~and~~ appropriate action should be taken up. The entire matter should be concluded before 31st March 2007 and suitable orders issued on the basis of verification.
5. With these directions, the Original Application is disposed of.

No costs.



Member-A

Manish/-