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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 21 OF 1989

Date of decision : April, 22, 1992.

Kartik Chandra Sahoo .. Petitioner

-Versus-

Union of India and others .. Opp. Parties

For the applicant : M/s. Jayadev Panda, S.S. Das,  
R.C. Misra, Advocates.

For the Respondent No.3 : Mr. B. Nayak, Advocate

For the Respondent Nos. 1 & 2 : Mr. A.K. Misra, Ist. Counsel.

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CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN

A N D

THE HONOURABLE MR. C.S. PANDEY, MEMBER (ADMINISTRATIVE)

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1. Whether reporters of local News Papers may be allowed to see the judgment : Yes.
2. To be referred to the reporters? :
3. Whether Their Lordships wish to see the fair copy of the judgment? : Yes.

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J U D G M E N T

K.P. ACHARYA, V.C. With the consent given by the learned counsel for both sides, we have heard this case on merits.

2. In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays to quash the order contained in Annexure-5 dated 17.12.1987 cancelling the appointment of the Petitioner as Extra Departmental Branch Post Master, Kusipal.

3. Shortly stated the case of the Petitioner is that Vide Annexure-1 dated 7.1.1987 he was appointed as E.D.B.P. M. of the said Post Office but prior to that he was working as Delivery Agent cum Mail Carrier since April, 1963. The ground for cancellation of the appointment to the Post of E.D.B.P.M., Kusipal is that the petitioner had made wrong statement regarding his date of birth and the property incurred which was furnished by the Petitioner was stood <sup>jointly</sup> in the name of his father. Therefore, the appointment of the Petitioner was cancelled.

4. We have no duty to enter into detail enquiry regarding the matter of this nature. Therefore, we do not like to interfere with the discretion of the Superintendent of Post Offices.

5. As regards the falsification of the date of birth, we find that actually there was a wrong statement made by the Petitioner. The Petitioner had declared on 9.3.1987 that his date of birth is 10th June, 1944 but it appeared from the Transfer Certificate that his date of birth was 15th October, 1939. Law is well settled that equity helps the vigilant but not indolent but here is a case where the petitioner breaths hot and cold at the same time. Therefore, we do not like to accept the case of the Petitioner. Lastly it may be mentioned that the petitioner

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is still in service as a Extra Departmental Delivery Agent and therefore, the petitioner should be satisfied with his present assignment.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

K. Mohanty  
MEMBER (ADMINISTRATIVE)  
22/4/32



I. K. Das  
VICE CHAIRMAN  
22-4-32

Central Administrative Tribunal  
Cuttack Bench/K.Mohanty/22.4.32