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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 281 of 1991

Date of Decision: 20.1.1993

Narayan Nath

Applicant

Versus

Union of India & Others

Respondents

For the applicant

Mr. Pradipta Mohanty,
Advocate

For the respondents

Mr. Aswini Kumar Mishra,
Standing Counsel
(Central Government)

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C O R A M:

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

AND

THE HONOURABLE MR. S. R. ADGIE, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? No.
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. S. R. ADIGE, MEMBER (ADMINISTRATIVE), In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to issue order of appointment in favour of the petitioner in the cadre of a Postman under the S.D.I(P), Kujanga.

2. Shortly stated the case of the petitioner is that while he was functioning as an Extra Departmental Delivery Agent in Tentulipada Branch Office, his case was considered for the promotional post of a Postman. The petitioner was selected and order of appointment was issued in his favour. Subsequently it was cancelled by the Chief Post Master General as some irregularities is said to have occurred. Therefore this application has been filed with the aforesaid prayer.

3. In their counter the opposite parties maintain that maximum age qualification for appointment to the post of a Postman is 42 years. But according to the service records of the petitioner his date of birth is 1.7.1944. The date of birth given in the application form that the petitioner was born on 15.8.1951 is false and such date has been mentioned only to make him eligible for the post of a Postman. Hence the Chief Post Master General rightly cancelled the appointment of the petitioner as a Postman which should not be unsettled - rather it should be sustained.

4. The undisputed position is that the maximum age limit for being promoted to the post of a Postman is 42 years irrespective of the fact as to whether the incumbent is a departmental candidate. We do not feel inclined to accept

the case of the petitioner that he was born on 15.8.1951. We must have to go by the date of birth mentioned in the service record. As yet there has been no prayer made by the petitioner for change of date of birth. Of course this question is kept open. We refrain ourselves from expressing any opinion on this point. But the fact remains that according to the service record, the petitioner having been born on 1.7.1944 he was age barred and rightly the Chief Post Master General cancelled the order of appointment due to the above mentioned disqualification. But ~~the~~ during ~~the~~ course of argument it was submitted by Mr. Pradipta Mohanty, learned counsel for the petitioner that in the meanwhile relevant rule has been changed viz. the age limit of 42 years has been enhanced to 50 years. No such rule could be placed before us by either side. Mr. Mohanty prayed for an adjournment to enable his client to file a copy of the rules. We did not feel inclined to adjourn the case, because this Special Division Bench will function till 22nd instant. However, we would observe that in case the rule has been modified to the extent that the age limit has been enhanced to 50 years, the competent authority may reconsider the entire matter and pass necessary orders according to law, especially relating to the promotion of the petitioner to the post of a Postman. The the application is accordingly disposed of. No cost.

20-1-93
VICE-CHAIRMAN

Archie
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal

Cuttack Bench N/Cuttack

dated the 20.1.1993 by UKSahoo//

