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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 71 OF 1992

Date of decision: 20th May, 1993

Shri Ballav Swain ... Applicant

Versus

Union of India and others Respondents

For the Applicant ... Mr. D. P. Dhalsamant,  
Advocate.

For the Respondents ... Mr. Aswini Kumar Misra,  
Sr. Standing Counsel  
(Central).

...

CORAM:

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

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not?
3. Whether His Lordship wish to see the fair copy of the judgment? Yes.

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JUDGMENT

K.P.ACHARYA, V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash the order contained in Annexure 2 and to direct the Opposite Parties to allow the petitioner to continue in service on the basis of the actual date of his birth i.e. 20-3-1936.

2. Shortly stated the case of the petitioner is that he was working as EDBPM Suraprataappur Branch Post Office in account with Mathakargola Sub Office in the District of Dhenkanal. The Petitioner claims his date of birth to be 20th March, 1936 whereas according to the Departmental Authorities, the date of birth of the petitioner is 10th February, 1926. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the date of birth as stated by the petitioner has been correctly entered to be 10th February, 1926 and therefore, the petitioner should retire on superannuation with effect from 9th February, 1991. Hence the application being devoid of merit is liable to be dismissed.

4. I have heard Mr. Dhalsamant learned counsel appearing for the petitioner and Mr. Aswini Kumar Misra,

learned Standing Counsel (Central). Mr. Dhalsamant learned counsel appearing for the petitioner does not press this application. Hence it is accordingly disposed of. No costs.

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Key. assd. 20.5.93

VICE CHAIRMAN

Central Administrative Tribunal,  
Cuttack Bench, Cuttack/K. Mohanty/  
20.5.93

