

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.733 of 1993

Date of Decision: 08.09.1994

Brundaban Barik

Applicant(s)

Versus

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ? No.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

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CENTRAL ADMINISTRATIVE TRIBUNAL; CUTTACK BENCH

Original Application No.733 of 1993

Cuttack this the 8th day of September, 1994

C O R A M:

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

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Brundaban Barik, aged about 64 years,
Son of Late Ananda Barik,
At/PO: Sarangajodi
Via : Gabakunda,
Dist : Puri

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Applicant/s.

By Advocate M/s. Deepak Misra,
A. Deo,
B.S. Tripathy
P. Panda
D.K. Sahoo

Versus

1. Union of India, represented by
its Secretary, Department of Posts
Dak Bhavan, New Delhi
2. Chief Post-master General,
Orissa Circle,
At/PO: Bhubaneswar, Dist: Khurda
3. Assistant Superintendent of Post Offices
Incharge, Puri Sub-Division, At/PO/Dist: Puri
4. Director of Post Offices
Puri Sub-Division,
At/PO/Dist: Puri

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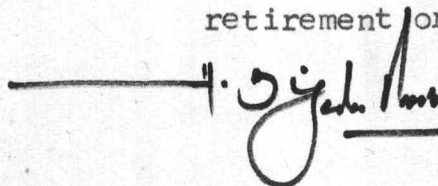
Respondent/s

By Advocate: Shri Ashok Mishra,
Sr. Standing Counsel (Central)

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O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE): The applicant, Shri Brundaban Barik, who was appointed in Sarangajodi E.D.B.O. in Puri Postal Division, in July, 1958, was ordered to be retired from service on 15.6.1992. The basis for the retirement order was that, at the time of appointment,



Shri Barik's date of birth was shown and recorded as 15.6.1927. In January, 1991, the applicant obtained a transfer certificate from the Head-master, U.G.M.E. School Sarangajodi, showing his date of birth to be 24.6.1929, as against 15.6.1927 earlier entered in his record of service. Basing on this transfer certificate, the applicant represented for his continuance in service until he attains the age of 65, which, according to him, would be on 24.6.1994. He was, however, retired on 15.6.1992.

2. On the ground of above contention, the applicant prays for a direction to be issued for his immediate reinstatement in service with a further direction that he shall be retired only on 23.6.1994.

3. The respondents maintain that at the time of his initial appointment on 26.7.1958, the applicant had himself stated his date of birth as 15.6.1927. In support of this they have produced a document known as Descriptive Particulars of the applicant. They state that the transfer certificate granted by the Head-master, Sarangajodi U.G.M.E. School, issued 33 years after the applicant's initial appointment, contains discrepant information and cannot be relied on as an authentic evidence of age. The respondents add that they have made attempts to verify the genuineness of the certificate and the correctness of the date of birth as noted in the transfer certificate issued by the School, but the effort did not succeed since the school authorities did not respond or cooperate in the enquiry. Finally they state that there was no enquiry at all

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at any time by the Assistant Superintendent of Post Offices regarding the applicant's date of birth as stated by him, but the applicant himself chose to send the certificate on his own.

4. On a careful examination of the facts it is seen that the applicant did not move the authorities for any change in the date of his birth for 33 long years after his initial appointment. The certificate issued by the Sarangajodi U.G.M.E.School cannot be regarded as an authoritative document indicating the date of birth and cannot unsettle the position accepted and obtaining for more than three decades. In any case, the date of birth as recorded in the said certificate is also evidently based on a declaration or statement of the applicant himself as late as 1991, since the school would not normally have any means nor necessity to verify the actual date of birth of a student who had left school in July, 1941. Under the circumstances, I am unable to intercede on behalf of the applicant in the matter of change of date as requested by him. The case also does not fulfil the basic rules and administrative instructions on the subject of change in date(s) of birth. The application, is therefore, disallowed. No costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//

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