

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH.

Original application No.190 of 1994.

Cuttack, this the 18th day of August, 1994.

Dhaneswar Mund ...

Applicant.

Versus

Union of India and others ...

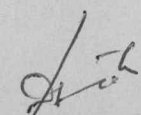
Respondents.

( FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ? <sup>no</sup>
2. Whether it be circulated to all the Benches of the <sup>no</sup>  
Central Administrative Tribunals or not ?

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

18 AUG 94

  
(D. P. HIREMATH)  
VICE-CHAIRMAN.

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CUTTACK BENCH

Original Application No.190 of 1994.

Cuttack, this the 18th day of August, 1994.

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THE HON' BLE MR. JUSTICE D.P. HIREMATH, VICE-CHAIRMAN

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THE HON' BLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

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Dhaneswar Mund, aged about 58 years,  
son of late Rama Prasad Mund, At/P.O.  
Gowdola, P.S. Koksara, District-Kalahandi.

... Applicant.

By Advocates M/s. S. Kr. Mohanty,  
S. P. Mohanty,  
P. K. Padhi.

Versus

1. Union of India, represented by its Secretary,  
Department of Posts, Dak Bhawan, New Delhi.
2. Superintendent of Post Offices, Bhawanipatna,  
Dist-Kalahandi.
3. Sub-Divisional Inspector, Postal, Dharmagarh,  
Sub-Division, Dist-Kalahandi.
4. Chief Post Master General, Orissa Circle,  
Bhubaneswar.

...

Respondents.

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

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ORDER

D.P. HIREMATH, V.C., The applicant herein has approached the Tribunal with a prayer that his date of birth as recorded by the appointing authority is not correct date of birth and if his correct date of birth is considered, he will

be liable to be superannuated on 31.12.2000. According to him, his actual date of birth was 31.12.1935. His initial appointment to the post was on 6.5.1953. While superannuating him the respondents have acted on his date of birth noted as 15.7.1927. It is contended in the petition that even his school leaving certificate was submitted before the appointing authority which however was not found in the record. He has not even produced such a school leaving certificate.

2. The respondents have contended that the minimum age for appointment in the Postal Department is 18 years of age and if the date of birth now the petitioner wants to urge would be considered he would be far below the required age on the date of his appointment. Secondly, in his application dated 2.2.1953 the applicant stated that he has worked as a School Teacher from 1947 to 1950. Thus, even in 1947 he worked as a School Teacher and he had attained the age of 18 years by that time. The Sub-Divisional Inspector, Postal, Dharmagarh has never made any enquiries as contended by the petitioner in his petition and if at all the petitioner wanted to rely on such alleged enquiries said to have been made by the Sub-Divisional Inspector, Postal, his report could have been of great assistance to him but no such report is coming forth. It appears only it is his averment in the petition that such an enquiry was made. It is also contended that in the security bond the date of birth now he has put forth



was given. The respondents have denied that any such date of birth was given in the security bond and that was also not called for for our perusal. That being so, excepting the averments made in the petition there is practically no materials on record to show that he was actually born on the date he now wants to canvass. The counter discloses he continued to work for one more year even after the date of superannuation which had missed notice of the authorities concerned. That apart, when the applicant wants to urge that he was born on the date that he now wants the Tribunal to take into consideration, there should be adequate proof of such date of birth. It is patently clear that he did not apply for correction of his date of birth within 5 years from his date of appointment as required under F.R.56. It is rather unthinkable that he would give his age at the time of joining the service by 6 years <sup>higher</sup> ~~more~~. There is practically no material to support this contention. This petition, therefore, fails and is dismissed. No costs.

3. This order is passed after hearing Mr.S.P.Mohanty, learned counsel for the applicant and Mr.Ashok Misra, learned Sr.Standing Counsel(Central) for the respondents.

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 (H. RAJENDRA PRASAD)  
 MEMBER (ADMINISTRATIVE)

18 Aug 94

Saranggi/

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 (D.P.HIREMATH)  
 VICE-CHAIRMAN.