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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 31 of 1994

Date of Decision: 6. 10. 1994

Umesh Chandra Parida

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. 31 of 1994

Cuttack this the 6th day of October, 1994

C O R A M:

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

...  
Umesh Chandra Parida, aged about 51 years,  
S/o. of Late Hadibandhu Parida, working as  
H.S.G.-II P.A. (S.B.C.O.)  
Kendrapara Head Post Office, PO/Dist: Kendrapara

... Applicant

By the Advocate: M/s. Deepak Misra,  
R.N. Naik, A. Deo,  
B.S. Tripathy  
P. Panda, D.K. Sahu

Versus

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

... Respondents

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

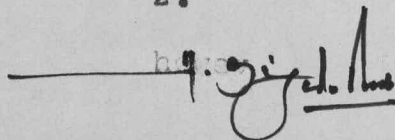
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O R D E R

MR. H. RAJENDRA PRASAD, MEMBER (ADMN): Shri Umesh Chandra Parida, at present H.S.G. P.A., Savings Bank Control Organisation, entered the Department in June, 1965. His date of birth was recorded at the time of entry as 10.4.1942. The same date was noted on the first page of his Service Book opened soon after his initial appointment. This entry was attested and reattested and acknowledged by the applicant himself in 1967 and 1973. According to this date of birth, the applicant is due to superannuate in April, 2000.

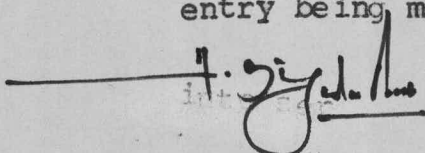
2.

It is now revealed that the official had,



however, passed the matriculation examination in 1961, i.e., nearly four years prior to entry into the service. According to the certificate granted by the Board of Secondary Education the date of birth of the applicant was 10.2.1943. If this date is taken into reckoning, as against the recorded date, he will be due to superannuate in Feb., 2001. The official represented to the DPS, CPMG and Postal Services Board between April, 1992 and January, 1993. While the former two turned down the request of the applicant for a change in the date of his birth in line with the entry in the Matric certificate, he has not yet received <sup>a</sup> decision from the Board. The present application has been made with a prayer that his date of birth may be duly corrected taking the matriculation certificate as the basis.

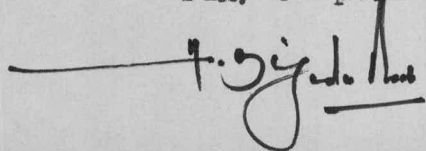
3. The respondents argue that the applicant is not entitled to this relief since he ~~did~~ not represent for a rectification in the date of birth within the period allowed by rules for the purpose. They also point out that the applicant had himself attested the first page entries in the Service Book on two different occasions at intervals of more than six years between 2.1.1967 and 8.11.1973. They also rightly question as to why, if the applicant has passed the matriculation four years prior to his entry in the department, he allowed the matter to rest and acquiesced <sup>in</sup> an incorrect entry being made in the record at the time of his entry





into service. Shri Ashok Mishra, learned Sr. Standing Counsel (Central) emphatically urged that the applicant is not entitled to any relief for the reasons stated.

4. The applicant in this case is an educated person. There is, prima-facie, hardly any reason why he should have allowed an incorrect date of birth to be entered in his service-record when he had passed the matriculation examination full four years prior to his entry in service. It is not also understood as to why he remained inactive about this till April, 1992, when he made his first representation in this regard to the Director of Postal Services. This is a most amazing and inexplicable silence on his part which cannot easily be justified. It can at best be charitably attributed to gross carelessness. There is no dispute that the date recorded in the matriculation certificate is the most authentic and acceptable proof/basis of determining the date of birth. The authenticity of the certificate is not under dispute. It needs, therefore, to be examined whether the real date of birth, as recorded in the matriculation certificate, was in any way sought to be suppressed by the applicant at the time of his entry into service to gain any undue advantage to himself. But this cannot be the case since the official was not underaged for entry into service at the time. The applicant is not also trying to get his service extended while on the verge of retirement since he has six, or possibly seven, years of service still left.



The possibility of any fraudulent intention on the part of the applicant can thus be ruled out. What remains is the total absence of initiative, or worse, sheer carelessness.

5. In view of the position explained above, it would be worthwhile for Respondent 2 to re-examine the case and formulate his recommendations to the Board for consideration. The applicant is directed to submit a fresh representation to the C.P.M.G., explaining fully the circumstances and facts of the case and the reasons for the inordinate delay noticed on his part in approaching the authorities for timely redressal of his grievance and rectification of an obvious error. He shall thereafter abide by any decision that is communicated to him in this regard. All one may add is a hope that the authorities concerned will not take a purely technical view of the delay but exercise whatever discretion they may have in the matter while disposing of the representation of the applicant.

Thus the application is disposed of. No costs.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

B.K.Sahoo//

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