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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No.115 of 1994

Date of Decision: 18.8.1994

Arjun Kar

Applicant (s)

Versus

Union of India & Others

Respondent (s)

(FOR INSTRUCTIONS)

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


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

18 Aug 94


(D. P. HIREMATH)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL: CUTTACK BENCH

Original Application No. 115 of 1994

Cuttack this the 18th day of, August, 94

C O R A M:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE - CHAIRMAN

AND

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

Arjun Kar
S/o. Late Rama Chandra Kar
Vill: Swainkara,
P.S. Chandanpur
Town/Dist: Puri

Applicant/s

By Advocate M/s. J.K. Mishra &
N.C. Mishra

Versus

1. Union of India represented by
Director General Posts
Dak Bhawan
New Delhi
2. Chief Post-master General
Orissa Circle
Bhubaneswar
Dist: Khurda
3. Senior Superintendent of Post Offices
Puri Division
Puri

Respondent/s

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

O R D E R

D.P. HIREMATH, V.C.: Heard learned counsel for the petitioner and Mr. Ashok Mishra, learned Senior Standing Counsel (Central) for the respondents.

2. The petitioner has approached this Tribunal with a prayer to hold that his date of birth as entered in the Schools Leaving Certificate as 2.9.1930 is correct date of birth and not the one entered in the service register as 19.3.1929. He was superannuated on the basis

of this

on the basis of birth date declared by him as 19.3.29. It is his contention that in the school where he attended, viz. Gadadhar High School, Puri, his date of birth was corrected soon ^{after} he joined service on 18.1.1959. It is the contention of the respondents that the School Leaving Certificate produced by the petitioner is of no evidence, or value looking to the earlier declaration made by him. Inter alia it has been urged that the applicant, as stated ⁱⁿ Annexure-R/3 which is an ^{attention} form duly verified by the Deputy Inspector-General of Police, Orissa Special Branch, Cuttack, was admitted in Gadadhar High School on 20.1.1941 and left the school on 31.12.1944 and studied upto Class-VII, which means for more than three years he studied in that school. Added to this he did not approach the respondents within a period of five years prior to 1979 or in any event not later than five years of his joining in the service.


3. Annexure 3, on which the petitioner has ^{placed} led ~~so~~ reliance shows that he attended the school only for 21 days, viz. having ^{got} admitted on 10.1.41, he left the school on 31.1.1941. It is also stated therein that ^{at} ~~by that~~ time of so leaving the school, he was put in Class-VI. This is ^{wholly} ~~fully~~ contradictory to the earlier declaration made by him that he had studied in that school after the 7th class and that he left it only in the year 1944. Very significantly that certificate which shows that he left the school in the year 1944 is not coming ^{forth} ~~force~~. We have our own reservations in

the matter of acceptance of Annexure-3 inasmuch as it looks so incongruous to the case putforth by the petitioner. There is every reason to believe that when he obtained this certificate on 25.2.1994, i.e., after he was superannuated he obtained it only for the purpose of supporting his cause in this case. However, in our view, in view of the highly irreconcilable contradictory stands taken by the petitioner at different stages and ~~that~~ ^{with the} his failure to approach the authorities concerned ~~between~~ five years stipulated in the relevant modifications, in his anxiety to get benefit for one more year of service, the petitioner has by this way approached this Tribunal. However, in our view there is no satisfactory evidence or material to show that he was actually born on the date he now alleges. In our view there is no substance in this application. The same deserves to be dismissed and is dismissed. No order as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMINISTRATIVE)

18 AUG 94

B.K.Sahoo//


(D.P. HIREMATH)
VICE-CHAIRMAN