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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINALA PPLICATION NO. 115 OF 1996
Cuttack, this the 20th day of April, 2000

Jogesh Chandra Parida Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? *Yes*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *No*

20.4.2000
(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)

.....
Jogesh Chandra Parida, son of Dinabandhu Parida,
At/PO-Palasingha, PS-Pattmundai, Dist. Kendrapada
.....
Applicant

Advocates for applicant - M/s J.P.Patnaik
P.C.Rout

Vrs.

1. Union of India, represented through Chief Post Master General, Orissa, At/PO-Bhubaneswar, District-Khurda.
2. Post Master General, Berhampur, At/PO-Berhampur, District-Ganjam.
3. Director of Posts, Berhampur, At/PO-Berhampur, Dist.Ganjam.
4. Superintendent of Post Offices, Kalahandi Division, At/PO-Bhawanipatna, Dist.Kalahandi-766001.
5. Asst.Superintendent of Post Offices, Kendrapara Sub-Division, Kendrapara, Dist.Kendrapara-754 211
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Respondents

Advocate for respondents - Mr.A.K.Bose
Sr.C.G.S.C.

O R D E R (ORAL)
SOMNATH SOM, VICE-CHAIRMAN

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In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioner has prayed for quashing the order dated 14.12.1995 (Annexure-1) retiring him from the post of EDDA, Palasingha Post Office, with effect from 14.2.1996, taking his date of birth as 15.2.1931. He has prayed that this order at Annexure-1 be stayed and the respondents should be directed to dispose of his appeal within three

months and till that time he should be allowed to continue in the post of EDDA, Palasingha.

2. The respondents have filed counter opposing the prayers of the applicant. For the purpose of considering this OA it is not necessary to go into too many facts of this case.

3. The admitted position is that the applicant was appointed as EDDA on 3.7.1958 according to the petitioner and on 5.8.1958 according to the respondents. The petitioner has stated that on getting the notice of superannuation he came to know for the first time that his date of birth mentioned in official record is 15.2.1931. He has stated that this date is not based on any record and at the time of his original appointment he had not produced any record indicating his date of birth. After getting the superannuation notice he enquired from the school and found that in the school his date of birth has been recorded as 17.6.1933. A copy of the transfer certificate dated 10.2.1996 issued by Uchhasikshasrama, Aruakadaliban is at Annexure-2 which shows his date of birth as 17.6.1933. After getting the transfer certificate the applicant represented for getting his date of birth changed in the official record from 15.2.1931 to 17.6.1933. But no order having been passed on his representation, he has come up in this petition with the prayers referred to earlier.

4. Today when the matter was called, the learned counsel for the petitioner and his associate were absent nor was any request made on their behalf seeking adjournment. As in this matter pleadings had been completed long ago, it is not possible to drag on the matter indefinitely. We have therefore heard Shri

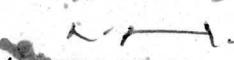
A.K.Bose, the learned Senior Standing Counsel for the respondents and have perused the records.

5. The respondents in their counter have pointed out that the applicant was initially appointed as EDDA on 5.8.1958 and at the time of his original appointment the descriptive roll indicating his date of birth was signed by the applicant himself. In this descriptive roll his date of birth has been shown as 15.2.1931. The respondents have also denied the averment of the applicant that he came to know for the first time after getting the retirement notice that his date of birth has been mentioned as 15.2.1931 in the official records. The respondents have pointed out that in the gradation list the date of birth of the applicant has all alone been shown as 15.2.1931. The same date has been mentioned in successive inspection reports of the concerned E.D.Post Office and therefore the applicant was fully aware that in the departmental records his date of birth has been shown as 15.2.1931. These averments of the respondents have not been denied by the applicant by filing rejoinder. In view of this it is clear that the applicant's date of birth as recorded in the departmental records is 15.2.1931. Moreover, the Hon'ble Supreme Court have laid down that request for changing the date of birth at the fag-end of service career should not be entertained. In this case the representation for changing the date of birth has been filed only after receiving the notice of retirement. In view of the above, we hold that the applicant has not been able to make out a case for the reliefs claimed by him.

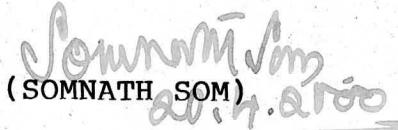
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6. In the result, the Original Application
is held to be without any merit and the same is rejected.
No costs.


(G. NARASIMHAM)

MEMBER (JUDICIAL)


(SOMNATH SOM)
a.m. 2/10/66

VICE-CHAIRMAN

AN/PS