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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 133 OF 1996
Cuttack this the 28th day of March, 2000

Parameswar Sahu

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? *✓*
2. Whether it be circulated to all the Benches of the ~~Na~~ Central Administrative Tribunal or not ?

28/3/2000
(G. NARASIMHAM)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 133 OF 1996
Cuttack this the 28th day of March, 2000

CORAM:

THE HON'BLE SHRI G.NARASTHAM, MEMBER(JUDICIAL)

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Parameswar Sahu
Son of Late Janardan Sahu
At/Po: Joradabara
PS: M-Rampur,
Dist: Kalahandi

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Applicant

-Versus-

1. Union of India represented through
Chief Post Master General,
Orissa, At/Po: Bhubaneswar,
Dist: Khurda
2. Post Master General,
Berhampur, At/Po: Berhampur, Dist: Ganjam
3. Director of Posts,
Berhampur, At/Po: Berhampur
Dist: Ganjam
4. Superintendent of Post Offices,
Kalahandi Division,
At/Po: Bhawanipatna
Dist: Kalahandi-766001

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Respondents

By the Advocates : **For Applicant**
M/s.H.M.Dhal, L.M.Nanda &
P.C.Rout

By the Advocates : **For Respondents**
Mr.A.K.Bose
Sr.Standing Counsel
(Central)

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ORDER

MR.G.NARASIMHAM, MEMBER(JUDICIAL): Applicant, an Extra Departmental Branch Post Master was made to retire on superannuation on 12.12.1995 on the ground of his date of birth as 13.12.1930. In order dated 17.7.1995, Respondent No. 1 intimated the applicant that he should have to retire on 12.12.1995 on superannuation by indicating the aforesaid date of birth.

2. In this application challenging the retirement on superannuation on 12.12.1995, the case of the applicant is that he was initially appointed as E.D.B.P.M. in August, 1962 and after receiving the order dated 17.7.1995(Annexure-1) he sent representation submitting that his date of birth is 11.12.1937 and as such he should be allowed to retire on 10.12.2002, by enclosing a xerox copy of the School Leaving Certificate in which the date of birth was mentioned as 11.12.1937. In response to this representation, Respondent 1 directed the applicant to submit the original School Leaving Certificate and this was duly complied. Despite this he was made to retire on 12.12.1995. Hence this application.

3. The stand of the Department is that applicant was initially appointed as E.D.D.A. on 20.12.1959 in response to his application dated 19.11.1959 in a plain paper. In that application he mentioned his date of birth as 13.12.1930 and the same was attested by the Overseer Mail, Bhawanipatna(Annexure-R/1). The School Leaving Certificate was submitted by him at the fag end of his service career and that the School Leaving Certificate which bears the date 18.6.1955 does not contain the seal of the School or the Headmaster. Hence the Department directed SDT(P), Kesinga to enquire into the

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matter(Annexure-R/3). The SDT(P) contacted the Headmaster of the concerned School on 26.9.1995 and learnt that the records of the School prior to 1956 were not available, as communicated by the Headmaster in his letter dated 26.9.1995(Annexure-R/4). For this reason the Department did not accept the School Leaving Certificate to be genuine and basing on the date of birth as mentioned by the applicant in a plain paper while applying for the post of F.D.D.A., he was made to retire on 12.12.1995.

4. No rejoinder has been filed by the applicant.
5. Heard Shri H.M.Dhal, learned counsel for the applicant and Shri A.K.Bose, learned Sr.Standing Counsel appearing for the respondents. Also perused the records.
6. The case of the Department that the applicant had initially applied for the post of F.D.D.A. through his application on a plain paper (Annexure-R/1) mentioning his date of birth as 13.10.1930 has not been denied by the applicant by filing any rejoinder. It is also not in dispute that the School Leaving Certificate produced by him after receiving the notice of retirement does not contain the seal of the School or the Headmaster. There is also no dispute that the matter was enquired and it was learnt that School Registers prior to 1956 were no more available. If indeed the School Leaving Certificate issued in the year 1955 was very much with the applicant by the time he applied for F.D.Post on 20.11.1959, nothing prevented him from enclosing a copy of that certificate along with that application mentioning the date of birth as 11.12.1937 as claimed by him now. In this view of the matter I am not inclined to accept the contention of the applicant that his date of birth is 11.12.1937 and not 13.12.1930.

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In the result, I do not see any merit in this application which is accordingly dismissed, leaving the parties to bear their own costs.

28-3-2001

(G.NARASIMHAM)
MEMBER(JUDICIAL)

B.K.SAHOO