

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For admission
ad3 to 29.11.02

28.11.02

For admission
ad3 to 11.12.02

10/12/02

07. 29.11.02

On the prayer of the learned Counsel
for the applicant, the matter is
adjourned to 11.12.2002.

Vice Chairman
member (G)

Order dt. 11.12.2002

While entering into the services as E.D.D.A. in the Postal Department of Government of India in February, 1959, the Applicant had disclosed his date of birth to be 16.06.1934. He had also disclosed his age to be 25 years at that relevant time. By filing a School Leaving Certificate (issued on 08.09.1980) the Applicant has claimed (just two months before his retirement in the year 1999) his date of birth to be 27.07.1940 and made a representation to correct his date of birth accordingly. His said prayer having been turned down by the Respondents (vide Annexure-03 dt. 03.05.1999), the Applicant has filed this Original Application under Section-19 of the Administrative Tribunals' Act, 1985. He has, by now, already faced retirement from services; on attaining 65 years of age on 15.06.1999.

2. Heard Mr. B.S. Tripathy, learned Counsel appearing for the Applicant and Mr. S. Behera, learned Additional Standing Counsel of Union of India, appearing for the Respondents and perused the materials placed on record.

3. Annexure- R/03 (as produced by the Respondents) are documents; which were drawn on 05.02.1959, ^{It} goes to show that the Applicant disclosed his date of birth to be 16.06.1934 at the time of his entry into services. In those documents, the Applicant disclosed his age

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to be 25 years, exact height to be 5'.2" and one boil mark on left leg below knee (4" left side) to be his mark of identification. The Applicant has ~~not~~ disclosed the said statements in those documents to be not ~~genuine, one~~. The Respondents have also placed on record the gradation list (issued in the year 1995 and 1992); wherein the date of birth of the Applicant has been disclosed to be 16.06.1934.

4. On the face of the aforesaid materials, there remains no merit in the claim of the Applicant; especially because he made an attempt to correct his date of birth (from 16.06.1934 to 27.07.1940) at the fag end of his service career i.e., within 02 months before his retirement. He could have represented to his authorities to correct the same within 05 years of his entry into service; as has been decided in case of Union of India Vrs. Haran Singh reported in 1993 SCC (L & S) 375.

5. On the face of the School Leaving Certificate produced under Annexure-01 dt.08.09.1980 his case could have been disposed of with direction to the Respondents to examine the matter; but the learned Additional Standing Counsel appearing for the Respondents draws my attention to the Annexure-03 dt.03.05.1999; by which the authorities have turned down the representation of the Applicant on 03.05.1999.

6. In the aforesaid premises, since there is no merit in this case, this Original Application is disposed of, accordingly, without granting any relief to the Applicant.

7. Send copies of this order to all the parties and free copies of this order be also handed over to Mr. B.S. Tripathy, learned counsel appearing for the Applicant and Mr. S. Behera.

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learned Additional Standing Counsel appearing
for the Respondents.

Y. S. J.
11/12/2022
(M. R. MOHANTY)
MEMBER (JUDICIAL)

Copies of order
may be sent to
all relevant by post
and copies of record
order may be sent
to the counsel to
be taken note

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1.1.03

Ans
1.1.03