

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 493 OF 1999  
CUTTACK THIS THE 18<sup>th</sup> DAY OF May 2001

Rama Chandra Pradhan ..... **Applicant(s)**

-Vrs-

Union of India & Others ..... **Respondents**

For Instructions

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

(SOMNATH SOM)  
VICE-CHAIRMAN

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

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ORIGINAL APPLICATION NO.493 OF 1999  
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CORAM:

THE HON'BLE SHRI SOMNATH SOM,  
THE HON'BLE SHRI G.NARASIMHAM,

VICE-CHAIRMAN  
MEMBER (J)

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1. Sri Rama Chandra Pradhan,  
aged about 63 years,  
S/o.Late Arta Pradhan,  
At-Hinjalkhal,  
P.O. Jilinda,  
Via-Narasinghpur,  
Dist-Cuttack.

Applicant(s)

By the Advocates

M/s S.N.Mohapatra  
K.R.Mohapatra  
S.Ghosh

-Versus-

1. Union of India, represented through  
Director General, Post, New Delhi.  
2. Chief Postmaster General, Orissa,  
At/P.O.Bhubaneswar, Dist.Khurda.  
3. Senior Superintendent of Post Offices,  
Cuttack, At/P.O.Cuttack,  
Dist.Cuttack.  
4. Inspector of Post Offices,  
Athagarh Subdivision,  
At/P.O.Athagarh,  
Dist-Cuttack.

Respondents  
Mr. U.B.Mohapatra

By the Advocates

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O R D E R

G.NARASIMHAM, MEMBER(JUDICIAL): Applicant Ram Chandra Pradhan, an EDMC, was retired on 15.4.1998 by order of that dtd. under Annexure-1 on the ground that he had already attained the superannuation age of 65 years, treating 7.6.32 as his date of birth. In this Original Application while praying for quashing the retirement order under Annexure-1, the applicant wants that his date of birth should be declared as 7.6.1936 and that he should be allowed to continue in the service till 7.6.2001. There is also an alternative prayer that he should be paid consequential pecuniary benefits from 15.4.98 to 7.6.2001.

2. Admittedly; he joined the Postal Department on 12.7.67 as a Runner in Jilinda Branch Post Office. His case is that at the time of joining in service, he was asked to furnish the particulars including his date of birth and he accordingly furnished his date of birth as 7.6.1936. This date of birth finds mention in his service book. After receiving the retirement order. He represented under Annexure-2 expressing his grievance but without any result.

3. The Department in their counter denied that applicant gave out his date of birth as 7.6.1936 at the time he joined in the Department on 12.7.67. In fact, on 12.7.67 he applied for the post in Jillinda Post Office on the ground that Runner in that Post Office died 4 to 6 days prior to and that post was vacant. His application in Oriya is Annexure R/1 On the basis of that application he was appointed to the post

6f Runner in Jhillinda Post Office on that day itself. On that application itself there was endorsement that no school leaving certificate or other certificate could be produced for verification. He was estimated to be 35 years of age and able to read and write Oriya. Prior to this job he was appointed as a member of the Home Guard under the Orissa Home Guard Act, 1961. In fact, no service book is being maintained for ED employees. In the gradation list the date of birth was mentioned as 7.6.1936 due to typographical mistake. Moreover, gradation list is not the basic record to assess the age of superannuation. In fact, at the time of intial entry in service, his age was recorded as 35 years after local enquiry and the applicant could not produce any document in support of his date of birth. On the other hand, he submitted a representation received in the Department on 21.3.98 requesting for appointment of his grandson in his place on the ground that he had already approached the age of superannuation (Annexure R/4). After his superannuation he was paid gratuity of Rs.6000/-, received by him on 27.7.98 and he received that amount without any protest or objection. He had made a representation under Annexure-2 dtd.23.7.99 that is more than one year after the date of superannuation. Even this representation had not been received by the Department. Since he had already attained 65 years, taking his date of birth is 7.6.32, he was rightly retired in April 1998.

5. No rejoinder has been filed.

6. We have heard Shri K.R.Mohapatra, the learned counsel for the applicant and Shri U.B.Mohapatra, learned Additional Standing Counsel for the Respondents.

7. Admittedly, the applicant could not produce any document or certificate disclosing his date of birth as 7.6.1936. On the other hand, in his letter addressed to the Department under Annexure R/4 dtd. 21.3.98, he clearly admitted that he had already reached the age of superannuation and that his grandson should be appointed in ~~that~~ place. It appears that there is endorsement made by an Official on his initial application dtd. 12.7.67(Annexure R/1) that the applicant was about 35 years. It is true that in the gradation list of 1992 his date of birth was mentioned as 7.6.1936. But a gradation list is not an original document in support of date of birth. It has been explained in the counter that such mention was due to typographical mistake. Annexure R/1 is a document which came into existence 35 yearlier than the gradation list of 1992. Hence, the endorsement in Annexure R/1 should be accepted as correct, specially when it finds corroboration from the admission of the applicant in Annexure R/4 he had already approached the retirement age.

8. For the reasons discussed above, we are not inclined to accept the case of the applicant that his date of birth is 7.6.1936. Accordingly, we do not find any merit in this Original Application which is dismissed but without costs.

SOMNATH SOM  
VICE-CHAIRMAN

16-2-98  
G.NARASIMHAM  
MEMBER(JUDICIAL)