

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK**

ORIGINAL APPLICATION NO.669 OF 1999
Cuttack this the 12th day of July, 2001

Pruthu Nath Patra ... Applicant(s)

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Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

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Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? 45.
2. Whether it be circulated to all the Benches of the P.C. Central Administrative Tribunal or not ?

(SOMNATH SOM)
VICE-CHAIRMAN

(G.NARASIMHAM)
MEMBER (JUDICIAL)

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CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.669 OF 1999
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CORAM:

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

Sri Pruthu Nath Patra, aged about 57 years,
S/o. Late Panu Patra, At/PO-Pratap Pur,
Via - Barsahi, Dist - Mayurbhanj

Applicant

By the Advocates

M/s.P.V.Ramdas
P.V.B.Rao

-VERSUS-

1. Union of India represented by the
Chief Post Master General, Orissa Circle,
Bhubaneswar-751001
2. Superintendent of Post Offices,
Mayurbhanj Division, Baripada,
Dist - Mayurbhanj, PIN 757 001
3. Sub-Divisional Inspector (Postal),
Barsahi Sub-Division, At/po-Barsahi,
Dist - Mayurbhanj, PIN 757 026

Respondents

By the Advocates

Mr.A.K.Bose
Sr.Standing Counsel
(Central)

O R D E R

MR.G.NARASIMHAM, MEMBER (JUDICIAL): In this application filed on 27.12.1999, the applicant, an Extra Departmental Mail Carrier, prays for issue of direction to the Respondents 2 and 3, for correction of his date of birth as 7.12.1943, as mentioned in the School Leaving Certificate under Annexure-2 and record his name in the gradation list dated 31.12.1998 (Annexure-6).

2. The case of the applicant is that he is unable to recollect the date of his appointment as E.D.M.C. although he knows that Respondent Nos. 2 and 3 have roughly noted his date of appointment as 1.5.1956. On 16.4.1988, Respondent 3,

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through Annexure-1, asked him to submit any document in support of his date of birth. Thereafter the applicant submitted his School Leaving Certificate vide Annexure-2. Sometime in April, 1992, the S.D.I.(P) (Respondent No.3) intimated him that as per office record his date of birth is 20.5.1935. Thereafter he made representation for correction of his date of birth, but without any response. In the gradation list, dated 31.12.1996, circulated on 22.4.1997, his date of birth was shown as 20.5.1935 and date of appointment as 1.5.1956. On 2.3.1998 he submitted a representation for correction of his date of birth, but without any response. Yet another gradation list dated 31.12.1998 (Annexure-6) was circulated on 15.11.1999 (Annexure-7) and this gradation list did not contain the name of the applicant. Hence this application.

3. Respondents (Department) in their counter maintain that in response to the direction under Annexure-1, the applicant responded stating that his date of birth as 7.12.1943 (Annexure-R/1), without enclosing any document in support of such assertion. When the gradation list dated 31.12.1996 was circulated mentioning his date of birth as 20.5.1935, he submitted representation dated 2.3.1998 (Annexure-R/2) enclosing xerox copy of the School Leaving Certificate. Thereafter the concerned S.D.I.(P) was instructed to verify the genuineness of that certificate and submit his report. The S.D.I.(P) under Annexure-R/4 reported that he had been to the concerned School for a verification, but the relevant Admission Register and Transfer Certificate etc. could not be produced as those

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were washed away in the floods few years back. This apart, applicant's date of appointment being 1.5.1956, he could not have been appointed, if his date of birth is 7.12.1943, because, by then, as per this date of birth, applicant was 12 years, 4 months and 23 days only, whereas the minimum age for appointment was 18 years.

No rejoinder has been filed by the applicant.

4. We have heard Shri P.V.Ramdas, learned counsel for the applicant and Shri A.K.Bose, learned Senior Standing Counsel.

There is no dispute that the applicant was appointed in the year 1956 as E.D.M.C. ~~as~~ A person hardly of 13 years old could not have been appointed as E.D.M.C. in 1956.

Further Annexure-2, a xerox copy of the School Leaving Certificate reveals that it was issued on 12.7.1952. In other words, by the date of his appointment, the certificate was very much with the applicant. If indeed he was born on 7.12.1943, he was aware by 1.5.1956 that he had not even crossed the age of 13 years. Yet, he obtained the appointment, the minimum age of which was 18 years, evidently by misleading/misrepresenting the Department. This appears to be ~~improbable~~ because the appointing authority would not be ~~so immature~~ to appoint a boy of 13 years in a post for which the prescribed age is 18 years.

5. In the result, we do not see any merit in this O.A. which is accordingly dismissed, but without any order as to costs.

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

B.K.SAHOO//

12.7.97
(G.NARASIMHAM)
MEMBER (JUDICIAL)