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To

CENTRAL ADMINISTRATIVE TRIBUNAL

Original Application No.02/2010.
JODHPUR. THIS IS THE 25th JANUARY, 2011.

CORAM :
HON'BLE MR. JUSTICE S.M.M.ALAM, MEMBER [J]
HON'BLE MR.SUDHIR KUMAR, MEMBER [A]

Jabbar Singh Rajput S/o Shri Hamir Singh Rajput, by caste Rajput, aged about 61 years, resident of V.P.O. Gothra, District Nagaur (Rajasthan)presently working as GDS Packers working under Respondent No.3.

.....**APPLICANT**
[For Applicant : Mr. Bhanwaroo Khan]

Vs.

- 1- Union of India through the Secretary, Ministry of Telecommunication, Department of Post, Dak Bhawan, New Delhi.
- 2- The Post Master General, Rajasthan Division, Jodhpur (Rajasthan).
- 3- Superintendent of Post Office, Postal Division, Nagaur (Rajasthan).

.....**RESPONDENTS**

[For Respondents : Mr. M. Godara for Mr. V.Mathur]

ORDER
[PER S.M.M.ALAM, MEMBER (J)]

Applicant Jabbar Singh, who is working as GDS Packer under respondent No. 3 has preferred this OA seeking relief that impugned orders dated 11.12.2009 (Annex.A/1) be declared illegal and the respondents be directed not to retire the applicant on 4.1.2010 before completion of 65 years of age.

- 2- The brief facts of the case is that the applicant was appointed on the post of EDMC/Packers and has been

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serving the respondents department without any break in service. Vide order dated 2.12.2009 issued under the signature of Superintendent of Post Offices, Postal Division, Nagaur, the applicant was ordered to retire w.e.f. 4.1.2010 on attaining the age of superannuation and in the said order the date of birth of the applicant was shown as 5.1.1945. The case of the applicant is that the applicant's actual date of birth is 3.4.1949 as per the affidavit submitted by the applicant to the department vide Annex. A/3 and A/4 which establishes this fact that the applicant has not attained the age of superannuation.



3- After filing the application notices were issued to the respondents and in the meantime the respondents were restrained from relieving the applicant from his duty in consequence of the order dated 2.12.2009 (Annex./1). On receipt of notice respondents appeared through Lawyer and filed reply of the OA. In the reply the respondents contended that as per the official record the date of birth of the applicant is 5.1.1945 and, therefore, the applicant was to attain the age of superannuation on 4.1.2010 and so the Office Order dated 2.12.2009 was correctly issued.



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4- Heard Shri B.Khan, on behalf of the applicant and also heard Shri Godara on behalf of the respondents. The learned Advocate appearing for the respondents conceded that the representation filed by the applicant is still pending with the respondents and till today the same was not disposed of. He further submitted that he has got no objection if this OA is disposed of with direction to the respondents to dispose of the representation filed by the applicant with regard to the controversy regarding his date of birth. The learned Advocate appearing for the applicant also agreed with the view of Shri Godara and prayed to dispose of the OA with the consent of the parties.




5- In view of the fact that the representation filed by the applicant with regard to the controversy regarding his date of birth is still pending with the respondents as such we are of the view that a direction can be issued to the respondents asking them to dispose of the representation of the applicant with regard to the controversy of age of the applicant within a reasonable period and in the meantime the respondents shall allow the applicant to continue in service.

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6- In the result, this OA is disposed of with direction to the respondents to dispose of the representation of the applicant with regard to the controversy of his date of birth within a period of one month from the date of receipt/production of copy of this order and in the meantime, the respondents shall allow the applicant to continue in service as by way of interim order the applicant is continuing in service till today. However, in the circumstances of the case there will be no order as to costs.



**[Sudhir Kumar]
AM**

S.M.M. Alam
[S.M.M. Alam]
JM

jrm

दिनांक 27/6/16 के आदेशानुसार
मेरी उपस्थिति में दिनांक 9/6/16
को भाग-II के III अंक मिल गए।

उत्तराखण्ड विद्यालयी
क्षेत्रीय प्रशिक्षण एवं अधिकरण
जोधपुर न्यायपीठ, जोधपुर