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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.1399/1997

Date of order : 17.11.2003

Present : Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman
Hon'ble Mr. N.D. Dayal, Administrative Member

MD. HEDYETULLA ISLAM

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. S.K. Dutta, counsel
Mr. T.K. Biswas, counsel

For the respondents : Mr. P.K. Chatterjee, counsel

ORDER

The applicant has been serving as an Extra Departmental Postmaster at Dhanyaghata Branch Post Office under the respondent No.2. The applicant's date of birth was recorded in the Service Book to be on 2nd January, 1945 on the basis of the documents produced by him at the time of entering into service. It is stated that he entered into service on 10.2.1961. Since that date he has been serving as such till date. It is stated by the applicant that after entering into service he was confirmed in his post and accordingly seniority list dated 11.3.1992 was prepared by showing his date of birth to be on 2nd January, 1945. All on a sudden, the respondent No.2 wanted to ascertain the actual date of birth of the applicant sometime in August, 1996. Therefore, the applicant submitted a letter demanding justice from respondent No.2, who insisted the applicant to produce the documents showing his correct date of birth. Finally the respondent No.2 asked the applicant to appear before a medical board for determining his age. Therefore, the applicant has filed this case challenging the authority of respondent No.2 to direct him to appear before the Medical Board.

2. Mr. Chatterjee, ld. counsel appearing for the respondents has submitted that if the date of birth noted in the Service record is believed then it is assumed that the applicant was 16 years old at the time of entry into service which is not at all possible under the rules. Therefore, the applicant's age must have been lowered to get more service benefits.

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3. Mr. Dutta. Id. counsel for the applicants has strongly repelled the said contention by stating that it is preposterous to contend that the applicant has intentionally lowered his age or date of birth to get more service benefits. He further submitted that there has been no such datas or statistics available with the respondent No.2 to arrive at such conclusion. He also submitted that it might be true that the applicant was 16 years old at the time of entry into service and the respondent authorities must have condoned the age and got him admitted into service.

4. While considering the aforesaid submissions we also fail to appreciate the contention of Mr. Chatterjee as to how the applicant could enter into service at the age below 18 years. The person who has given appointment to the applicant should be asked as to how he had given such an appointment knowing fully well that the applicant was 16 years of age. Once the applicant has been given such appointment and after he served in the department for more than 30 years he cannot be asked to undergo either a medical test or to produce School Certificate in support of his age. It is presumed that the school certificate must have been produced at the time of entry into service and the employer after having been satisfied with regard to the qualification and the age must have given appointment to the applicant. Accordingly the age noted in the service register need not be corrected after a lapse of about 30 years.

5. In the result the application succeeds and the authorities are dircted to treat the date of birth of the applicant as 2nd January,1945 to be correct as noted in the Service Book of the applicant and all service consequences shall follow accordingly.

6. The O.A. is disposed of with the above observations. No order as to costs.



MEMBER(A)



VICE-CHAIRMAN