

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.55/2002.

Thursday this the 17th day of January 2002.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

E.T.Joseph, S/o Mathai,
Vadakkeperumattikunnel House,
Meryland P.O., presently working as
GDSMD/MC, Meriland Branch Post Office. Applicant

(By Advocate Shri C.J.Joy)

Vs.

1. Union of India, represented by the Secretary to Government, Department of Post and Telegraph, New Delhi.
2. The Senior Superintendent of Post Offices, Kottayam Division, Kottayam.
3. The Sub Divisional Inspector of Post Offices, Palai Sub Division, Palai, Kottayam District. Respondents

(By Advocate Shri PMM Najeeb Khan, ACGSC)

The application having been heard on 17th January 2002
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant entered service as an Extra Departmental Delivery Agent on 1.4.1970. In the service record the date of birth of the applicant was shown as 18.3.1937 following the entry in the school certificate. While the applicant continued in service and was about to retire on superannuation on 25.9.01 when the second respondent visited the Post Office, he made a statement that really his date of birth was 14.11.1938 and requested for correction of the date of birth. The applicant was advised to make a representation to the Divisional Office through the 3rd respondent, Sub Divisional Inspector. The applicant submitted a representation dated 16.10.2001 to the

61

3rd respondent. The applicant had obtained a Baptism Certificate on 13.6.2001 in which it was stated that Joseph S/o Mathai and Mariyam, Perumattikunnel (Vadakkeperumattikunnel) was born on 14.11.1938 and was baptised in the church on 19.11.1938. He also obtained a certificate from the Village Officer, Kadanad stating that Shri Joseph mentioned in Baptism Certificate was the same ET Joseph, the applicant. The Sub Divisional Inspector gave the applicant a letter dated 1.11.01 stating that the date of birth of the applicant was amended. However, by A-6 letter dated 1.1.2002 the Senior Superintendent of Post Offices in response to the applicant's representation stated that it would not be possible to accede to his request for alteration of the date of birth on the basis of the baptism certificate and directed him to produce any valid certificate such as from school or Panchayat. Alleging that there was no time to get such a certificate and that he has been directed to retire w.e.f. 17.1.2001 by A-7 order, the applicant filed this application for setting aside A-1 declaring that he is entitled to continue in service till 14.11.2003 till the age of 65 years and to issue appropriate direction to the respondents.

3. We have carefully gone through the application and the Annexures appended thereto and have heard Shri C.J.Joy, learned counsel of the applicant and Shri P.M.M.Najeeb Khan, Standing Counsel appearing for the respondents. The applicant going by his own averments though joined service in the year 1970 did not make any attempt to have his date of birth corrected if it was not properly recorded in the school register as also in the service record. His case that, very recently he happened to see the church records and then it was found that his date of



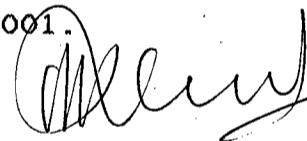
birth was wrongly recorded in his school records and service records, is far from convincing. If the applicant wanted to have his date of birth corrected, he should have applied to the competent authority providing valid documents in that regard within a reasonable time after his appointment. Now, towards the tale end of his career while he had a few days to reach the age of 65, the applicant has alleged that as per baptism register his date of birth is 14.11.1938 claimed alteration. The refusal on the part of the authorities not to agree such a request without any valid documents like certificate from Registrar of Births and Deaths cannot be faulted.

3. We, therefore, do not find that the applicant has any legitimate grievance calling for redressal. The application is, therefore, rejected under Section 19(3) of Administrative Tribunals Act, 1985.

Dated the 17th January 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of order No.DA/70, dated 1.4.1970 of the 3rd respondent.
2. A-2 : True copy of Baptism Certificate dated 13.6.2001 issued by the Vicar of St.Joseph Church, Anthinad.
3. A-3 : True copy of certificate dated 18.6.2001 issued by the Village Officer, Kadanad Grama Panchayat.
4. A-4 : True copy of Visit report dated 25.9.2001 of the 2nd respondent.
5. A-5 : True copy of Memo No.EDSMC/Meryland dated 1.11.2001 amending the date of birth of the applicant issued by the 3rd respondent.
6. A-6 : True copy of communication No.B7/GDS dated 1.1.2002 of the 2nd respondent.
7. A-7 : True copy of Memo No.SD/ED/Tfr. dated 10.1.2002 issued by the 3rd respondent.

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