

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O.A. No. 392/89 199  
XXX XXX XXX

DATE OF DECISION 27.11.90

Achuthan K Applicant (s)

Mr.T.Ravikumar Advocate for the Applicant (s)

Versus

UOI rep. by Secy., Ministry of Communications, New Delhi Respondent (s). & 3 others

Ms K.B.Subhangamani, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V.Krishnan - Administrative Member  
and

The Hon'ble Mr. N.Dharmadan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

(Mr.N.V.Krishnan, Administrative Member)

The applicant was a Postman under the 2nd respondent.

His date of birth in the service record is shown as 1.7.1931.

He has retired on superannuation from 1.7.1989. The applicant's contention is that his real date of birth is 1.7.1932, as evidenced by a copy of the record sheet of MIUP School, Kuttiady (Annexure-A). He has, therefore, sought a direction to the respondents that the date of birth in the service book be changed from 1.7.1931 to 1.7.1932 and accordingly, allow him to remain in service till 1.7.1990, he having preferred this application on 26.6.1989.

2. The respondents have filed a reply stating that the applicant was appointed as EDDA, Paleri Branch Post Office on 22.11.1950 when certain service particulars about him were noted in the service book in accordance with the usual procedural formalities. It is stated that the applicant's declared date of birth is 1.7.1931. In support of this, respondents have produced Annexure-R2(a), which is the memo of descriptive particulars. This showed at Sl.No.5 that the date of birth is 1.7.1931. This memo was drawn on 22.11.50 and the applicant has signed the same in the presence of witnesses at Sl.No.8. Similarly, the respondents have also produced Annexure-R2(b), which is stated to be the first page of the service book, in which also the date of birth of the applicant is shown, both in words and figures, at Sl.No.6 as 1.7.1931. This also has been signed by the applicant. It is also stated in the counter affidavit that these entries, including date of birth, were re-attested on four subsequent occasions, namely 21.6.1971, 14.7.1972, 20.8.1977 and 12.12.1984 and signed by the applicant. The respondents therefore, contended that the application has no force.

3. Having heard the counsel and perused the records, we are of the view that the respondents are on strong grounds. To be fair, the learned counsel for the applicant also admitted that the respondents have a strong case.

Realising this, the counsel of the applicant himself felt that this is only to be dismissed.

4. In the light of the admitted facts stated above, we are of the view that this application has no leg to stand on. It is, therefore, dismissed.

  
(N. DHARMADAN) 27.11.90  
JUDICIAL MEMBER

  
(N. V. KRISHNAN) 27.11.90  
ADMINISTRATIVE MEMBER

27.11.1990