

(f6) RECORDED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW

Registration C.A.N.C. 605 of 1990

Surat Singh Applicant

Vs.

Union of India & Others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon'ble Mr. A.B. Gorthi, Member (A))

By means of this application under Section 19 of The Administrative Tribunals Act, 1985, Shri Surat Singh has challenged the validity of the order retiring him from service w.e.f. 31.7.1990, on the ground that ^{his} ~~the~~ date of birth as entered in his service book was 5.7.1939 and accordingly he was due for superannuation on 31.7.1996.

2. The applicant states that he joined Railway Service on 24.10.1956 as a Khalasi and in due course became a "Stri. On hearing some rumour that he was due to retire soon, he submitted an application to the Divisional Railway Manager on 29.4.1990, stating the correct facts, but without any reply thereto/ or ~~any office~~ ^{prior} notice, he was ordered to be retired w.e.f. 31.7.90 vide the impugned order dated 30.7.90. In support of his claim the applicant relied on a communication dated 17.11.89 from Northern Railway Primary Cooperative Bank Ltd. grants ~~his~~ ^{the} applicant a application of loan of Rs.10,000/- repayable in 36 instalments. In the said communication his date of birth was shown as 5.7.1939 and his date of appointment as 24.10.1956.

3. In their written reply, the respondents have clarified that the correct date of birth of the applicant was 5.7.1932 and that he entered the Railway Service on 24.10.1954, the said dates were reflected in the "Seniority

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List as on 31.12.70" against the name of the applicant.

The applicant himself had recorded these dates in his earlier loan applications dated 3.3.82 (Annexure-III) & 26.4.80 (AnnexureV). The date of birth as also the date of first appointment recorded in Service Book, apparently were tampered with and altered to read as 5.7.38 and 24.10.56 respectively. In a subsequent loan application made by him in the year 1989, the applicant showed his date of birth as 5.7.38 and date of appointment as 24.10.56. The respondents contended that the complicity of the applicant in the alteration of the dates in the service book would thus be evident.

4. The entries in his service book, relating to the date of birth and date of appointment show that there were alterations. The respondents contention that the correct date of birth of the applicant was 5.7.32 seems genuine because the applicant himself had shown the said dates in his loan applications dated 3.3.82 and 26.4.80.

5. Lastly, the applicant contended that the retirement order was not valid as there was no prior notice as required by the Railway Board's instructions. These instructions are directory and not mandatory and the applicant cannot claim prior notice as a matter of right.

6. The application is therefore without any merit and is hereby dismissed. There shall be no order as to costs.

Shan Singh
Member (A)

lly
Vice-Chairman.

8-November, 1991. Lucknow.

(sph)