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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

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Original Application No. 658 of 1992 (L)

Nakched Tewari	Applicant
	Versus	
Union of India & others	Respondents

Hon'ble Mr. S.N. Prasad, Judicial Member
Hon'ble Mr. B.K. Singh, Admn. Member

(By Hon. Mr. S.N. Prasad, Judicial Member)

1. Briefly, stated the facts of this case, interalia, are that the applicant was working as Extra Departmental Runner and posted at the Post office Sarwan, District Faizabad in the year 1957 and according to the applicant his date of birth was wrongly recorded as 2.6.1926 instead of his correct date of birth as 28.7.1936 and on the basis of the wrong date of birth of the applicant as stated above the applicant was wrongly and illegally retired on 1.6.1991.

2. It has further been stated that ^{formerly} ~~formerly~~ O.A. No. 537 of 1991 (T.A. No. 15/92) was filed by the applicant and that O.A. was disposed of by this Tribunal with the direction to the effect that the appeal of the applicant which was pending with the appellate authority be disposed of within a period of 3 months by the appellate authority who may direct some officer to make necessary inquiry associating applicant with it and to take the statement of the applicant and thereafter the finding may be recorded.

3. We have heard the learned counsel for the parties and have thoroughly gone through the records of

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the case.

4. The main grievance of the learned counsel for the applicant centres round the fact that the appellate authority has, though decided the appeal of the applicant by the impugned order dated 11.6.1992 whereby the appeal of the applicant has been rejected but this appellate order dated 11.6.1992 (Annexure -1[~] to the application) is not in conformity with the direction of this Tribunal contained in the judgment and order dated 16.3.1992 passed by this Tribunal (Wide Annexure A-6) as there was a clear direction by this Tribunal while disposing of the appeal, the appellate authority may direct some officer to make necessary inquiry associating applicant with it and to take statement of the applicant.


5. Learned counsel for the respondents has not disputed this fact that by the appellate authority no inquiry officer was appointed and no statement of the applicant was recorded while disposing of the above appeal.

6. Having considered all the view points and all aspects of the matter, we find it expedient that the appellate authority be directed to decide the above appeal of the applicant a-fresh, and to make necessary inquiry associating the applicant with it and also to give personal hearing to the applicant and to record the statement of the applicant as specified in the above judgment and order of this Tribunal dated 16.3.1992.


7. With the above observations the application of the applicant is disposed of as above and the appellate

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authority is directed to decide the appeal of the applicant within a period of 3 months from the date of receipt of the copy of this judgment in accordance with the above directions. No order as to costs.



Admn. Member



Judicial Member

21.6.93

Lucknow.

(Girish)

Dated: 21.6.93