

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, P A T N A.

O.A.NO.: 69/96

th Dec.
Date of decision.: 6 - NOV - 99.

Arjun Jha, son of Late Jageshwar Jha, Ex-EDDA of Gonoun ED Branch Post Office, resident of village and P.O. Gonoun, P.S.: Ghanshyampur, District Darbhanga.

.....APPLICANT.
By Advocate : Shri S.N.Tiwarey with Shri K.P.Mishra.

Vrs.

1. The Union of India through the Secretary, Government of India, Ministry of Communication, Department of Posts, New Delhi-cum-The Director General, Department of Posts, India, Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General, Bihar Circle, Patna-800 001.
3. The Postmaster General, Northern Region, Muzaffarpur-842 002.
4. The Director of Postal Services, Northern Region, Muzaffarpur-842 002.
5. The Superintendent of Post Offices, Darbhanga Division, Darbhanga-846 005.
6. The Subdivisional Inspector [Postal], Darbhanga East Sub Division at Benipur, P.O. Benipur, District Darbhanga-847 103.RESPONDENTS.

By Advocate : Shri V.M.K.Sinha, Sr. Standing Counsel.

C O R A M

HON'BLE MR. JUSTICE S.NARAYAN, VICE-CHAIRMAN.

O R D E R

S.NARAYAN, V.C.:- The applicant herein, after having retired on superannuation w.e.f. 7th March, 1995, from the post of EDDA of Gonoun EDBO under Lehariasarai Head Office, has impugned the order dated, 25th February, 1995 [Annexure-A/8], of the respondent no.6, whereby, his services were terminated on completion of 65 years of age. He had filed a representation in the matter but that also was rejected by the order of the Postmaster General [Respondent no.3] as contained in letter dated, 12th December, 1995 [Annexure-A/13].

2. Whereas, the respondents asserted the date of birth of the applicant being 7th March, 1930,

according to which he was made to retire, the applicant has asserted it to be 12th March, 1936.

3. Obviously, the applicant has challenged the recording of his date of birth at the fag end of his career and has come-up with the instant O.A. only after he had already been made to retire on superannuation. Since the incumbent under employment of a job with stipulation of age of retirement may feel tempted enhancement of his service tenure, it does happen very often that the recording of the date of birth in the official record is challenged at the fag end of the career, but this sort of approach has been depriated and it is now well settled judicial view that the law of limitation does apply in such case and, therefore, an incumbent, if really aggrieved of incorrect recording of age in the service record, must come-up at appropriate time, otherwise it would not be in fitness of thing to entertain and encourage such incumbents unnecessarily resorting to litigation.

4. In context of what has been observed above, it is significant to note that the applicant has made out a case that only when the Superintendent of Post Offices, Darbhanga Postal Division, published a gradation list on 1st July, 1994, he could find therein at sl.no.56 that his date of birth has been shown as 7th March, 1930. According to the applicant, it was incorrect recording and, instead, it should have been 12th March, 1936. It was not the case of the applicant that such a gradation list was published by the postal authorities for the first time during his service tenure. On the contrary, the respondents have asserted in the written statement that such gradation



list used to be published regularly from time to time. In paragraph no.12 of the written statement, the respondents asserted that the seniority list, of ED Agents were issued on different dates as on 24.09.1984, 30.04.1988 & 13.05.1991, wherein the date of birth of the applicant was shown as 7th March, 1930. Since this aspect of the matter could not be substantially denied and one has to believe the recording made in ordinary course of official business, I do feel inclined to observe that the applicant has come-up very late just at the fag end of his career and further that, had his challenge been a genuine one, he should have come much earlier at an appropriate time. Naturally, therefore, one has to hold that the instant application was barred by limitation and has to be ignored on this score.

5. Even on merits, there was an admitted document in the pen and signature of the applicant, and recorded on 9th October, 1995, duly attested by Sub-Divisional Inspector of Darbhanga, East Sub-Division, vide Annexure-R/1. In this written statement [Annexure-R/1], the applicant asserted his date of birth being 12th March, 1936, on the basis of a School Leaving Certificate. However, a truth has leaked from this written statement of the applicant wherein while narrating his case, he also asserted that at the time of entry in the service his age was 27 years. In this context, the official respondents asserted in paragraph no.9 of their written statement that the date of applicant's appointment was 6th January, 1953. The applicant has not suggested any other date of his appointment. This being the position, he is not supposed to be aged 27 years on 6th January, 1953, as

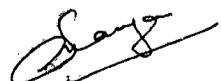


per his case of date of birth being 12th March, 1936, Hence, by his own admission in Annexure-R/1, the plea of his date of birth being 12th March, 1936, is falsified.

6. Now, coming to the School Leaving Certificate issued on 15th January, 1995, it is true that his date of birth was recorded therein as 12th March, 1936, and his date of admission in the School was 3rd January, 1947. In this context, there was a departmental enquiry made by the Sub-Divisional Inspector of Posts and, in the course of enquiry, it was revealed that the record of the School pertaining to the year 1947 & 1951 were not available. In order to contradict this aspect of the matter, the applicant has, of course, filed rejoinder to the same, but no co-relating paper has been filed to contradict the result of the departmental enquiry.

7. Apart from what has been noticed above, the official respondents have also produced the voter lists of the concerned village of the year 1975, 1980 & 1988, wherein, the age of the applicant has been recorded as 44, 49 & 57 years respectively. These papers also, even though not conclusive proof of the age, would most certainly come to an aid in arriving at the truth with regard to the controversy raised. The age recorded in the aforesaid voter list [Annexure-R series] would most certainly contradict the contention raised on behalf of the applicant.

8. For the foregoing reasons, this application is devoid of merit, besides being barred by limitation and, accordingly, it is dismissed. There shall be no order as to costs.


[S.NARAYAN]
VICE-CHAIRMAN.