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8.1.1996

Hon'ble Mr. K.D.Saha, Member (A)

Heard learned counsel for the applicant.

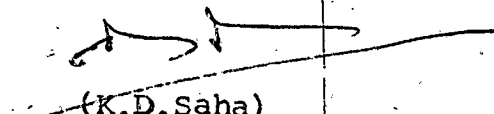
The applicant was appointed as EDDA-Cum-EDMC of Raghapur, Gangapiper, EDBO on 27.12.1972. According to the applicant, at the time of his appointment, he declared his date of birth as per his Horoscope as 31.12.1938 and accordingly he was due to superannuate on 31.12.2003 on attaining the age of 65 years. But by the impugned order, a copy of which is annexed at Annexure-A/4 dated 8.11.1995, the respondent No.6 has declared that the applicant has attained the age of 65 years on 18.11.1995 and accordingly he was retired from the post of EDDA-Cum-EDMC, Raghapur Gangapiper with effect from 18.11.1995 afternoon, in ^{an}illegal and arbitrary manner. Aggrieved by this, the applicant has filed this application.

2. The learned counsel submits that an attempt to retire the applicant pre-maturely was also made by the respondent no.6 in the year 1993 when the applicant was all of a sudden directed to appear before the Civil Surgeon Cum-Chief Medical Officer, East Champaran, Motihari for ascertaining the age of the applicant. In this context he further submits that by Annexure-A/3, the age of the applicant was assessed as 55 years as on 13.5.1993. The applicant is stated to have filed two representations against his retirement vide Annexure-A/6 dated 11.11.1995

addressed to the Superintendent of Post Offices, Motihari (respondent no.4) and the other as at Annexure-A/7 dated 24.11.1995, addressed to the Director of Postal Services, Northern Region, Muzaffarpur (Respondent no.3). It appears no reply has been issued by the respondents with reference to both the representations.

3. Considering the submissions, I am of the view that this application can be disposed of at the admission stage itself by giving a direction to Respondent No.3 (Director of Postal Services, Northern Region, Muzaffarpur) to consider the two representations at Annexure-A/6 and Annexure-A/7, as aforesaid, and dispose them of by a reasoned and speaking order. Accordingly, I hereby direct respondent no.3 to dispose of the above said two representations by a reasoned and speaking order after giving a personal hearing to the applicant within a period of two months from the date of communication of this order.

4. With the above direction, the application is disposed of at the admission stage itself.


(K.D. Saha)
Member (A)