

28/106

CENTRAL ADMINISTRATIVE TRIBUNAL  
PATNA BENCH, PATNA  
O.A. No. 281 of 2006

Patna, dated the 9/2/2007  
CORAM: The Hon'ble Mr. S.N.P.N. Sinha, M[A]

Ram Baran Singh, son of Late Durga Singh, resident of Village Panchu  
Hansa, District Nawadah. Applicant

By Advocate: Mr. N.G. Mishra

versus

1. Union of India through the Postmaster General, Bihar Circle, Patna
2. The Superintendent of Post Offices, Nawadah Division, Nawadah
3. The Inspector of Post Offices, West Sub-Division, Nawadah.

Respondents

None for the respondents

ORDER

S.N.P.N. Sinha, M[A]:-

The present application has been filed for quashing an order dated 28.2.2005 issued by respondent no.3 allegedly retiring the applicant prematurely and for reinstatement in service with consequential relief. It was submitted on the applicant's behalf that he was employed as Extra Departmental Delivery Agent since 1958. Later, he was given the grade of Gramin Dak Sewak in 1960. It is claimed that the age of superannuation in this case is 65 years. The applicant's date of birth is claimed to be 5.2.42 and so he would have retired on 5.2.2007. A gradation list was prepared by the Department which was corrected up to 2002, in that his date of birth is shown as 5.2.42 at Serial No.6. The applicant was served with a letter issued by respondent no.3 dated 28.2.2005 whereby he was ordered to be retired with immediate effect, the reason being the applicant's date of birth as 16.1.1935. The applicant thereafter represented before the Postal

Superintendent [ respondent no.2]. In response, he was informed that his date of birth, as mentioned in the gradation list issued by the office of Superintendent, Gaya Division, was 16.1.1935. This was also indicated on the bond paper signed by him. A photo copy of gradation list of Gramin Dak Sewak staff of Nawada Division said to be corrected up to 17.2.02 has been annexed to the OA, along with a copy of the retirement order.

2. It was submitted on the respondents' behalf that the applicant was appointed as Extra Departmental Mail Carrier under the Superintendent of Post Offices, Gaya Division. He was retired on 5.3.2005 by order of Sub-Divisional Inspector of Post Offices, Nawada. It meant that the applicant was appointed at the age of 16 years and 4 months. During the years 1958 to 60 all ED employees had to execute personal security bond. He also signed his Bond No. BR 13157 and mentioned below his signature, the date 5.8.58. The minimum age for entry in Govt. job is 18 years. According to the gradation list prepared on 1.4.83, by the Superintendent, Gaya, the then controlling officer of the applicant, his date of birth is 16.1.35. Accordingly, he was due for retirement on 15.1.2000. But it is said that inadvertently it was overlooked and the applicant overstayed in the job for five years. As a matter of fact, the Department changed the name of E.D.Mail Carrier to Gramin Dak Sewak. His date of birth, as mentioned in the gradation list [16.1.35] was never challenged by him A copy of the E.D. Gradation list corrected up to 1.3.83 has been annexed along with the personal security bond with the written statement of the respondents.

3. From the arguments of the two sides and the materials on record, it appears that the respondents have filed photo copy of gradation list which is older than that filed by the applicant. Copy of a personal security bond has also been filed which is signed by the

applicant and dated 5.8.58. It is also obvious that going by the date of birth of the applicant, as claimed by him, he entered Govt. job at the age of 16 years 4 months 8 days. There is, therefore, no substantial ground to doubt the stand of the respondents although, as admitted, in the written statement, the date of birth of the applicant, as claimed by the respondents, was overlooked by the Department and he overstayed in his job for five years.

4. The application, therefore, has no sound reason to justify any interference. It is, in the result, dismissed, No order as to costs.

  
[S.N.P.N. Sinha]

Member [A]

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