

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 863/88 198
TAXXXX

DATE OF DECISION 12.12.1988

Shri B.D. Redkar Petitioner

Advocate for the Petitioner(s)

Versus

Director General, Min. of Communications Respondents
and two others.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y. Priolkar, Member (A)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA NO. 863/88

Shri B.D.Redkar,
SPM,
At & Post: Vengurla,
Dist.Sindhudurg,
Maharashtra.

Applicant

v/s.

1. The Director General,
Ministry of Communication,
Department of Posts,
New Delhi.
2. The Post Master General,
Bombay GPO.
3. The Supdt.of Post Offices,
Sindhudurg Division,
Malvan - 416 606.

Respondents

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar

ORAL JUDGMENT

Dated: 12.12.1988

(PER: M.Y.Priolkar, M(A)

The applicant, Shri B.D.Redkar, is not present. He has, however, sent a telegram which was received here on 5.12.1988 informing that this Tribunal's stay order has been dishonoured and that he has been retired on 30.11.1988.

2. Shri R.H.Khirode, Asstt.Supdt. of Post Offices is present on behalf of Respondent No. 2. Shri H.S.Khatavkar, Respondent No. 3 is present in person. Respondent No. 3 has already sent a letter dated 5.12.1988 informing the Tribunal that our Express Telegram dated 29.11.1988 conveying the stay order was received by him only at 14.00 hrs. on 1.12.88 whereas the applicant, Shri B.D.Redkar, already retired on superannuation on 30.11.1988 A/N. He has, therefore, regretted that the Tribunal's orders could not be carried out. On behalf of Respondent No. 2, it was stated that the Tribunal's Express Telegram conveying the stay order to him was received on the morning of 30.11.1988 and in turn they had issued a

telegram to Respondent No. 3 in the evening of the same day. It again did not reach Respondent No. 3 in time. It was also stated on behalf of Respondent No. 2 that the Competent Authority, namely, the Post Master General, Bombay after making proper enquiry and after verifying the genuineness of the certificate produced by the applicant has finally accepted that the date of birth, namely, 21.11.1931 is the correct date of birth as claimed by the applicant and a formal order conveying this decision has also been issued by him. A copy of this was also handed over to Respondent No. 3.

3. In the result, the application succeeds. Respondents are hereby directed to continue the applicant in service without break from 1.12.1988 and to give effect to the change in the date of birth within a period of two weeks from the date of this order. In the circumstances of the case, there is no order as regards the costs.


(M.Y. PRIOLKAR)
Member (A)