

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.No.: 660 of 2005[Patna, this Monday, the 17th Day of April, 2006]

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C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

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Aditya Pandya, S/o :ate Jadu Nanadn Pandya, Vill.- Ghostawan, P.O.:
 Ghostwan, P.S.: Nawada, Distt.: Nawada. APPLICANT.

By Advocate :- Shri Ravi Shankar Rai.

Vs.

1. The Union of India through the Secretary-cum-Director General,
Department of Posts, Dak Bhavan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Superintendent of Post Offices, Nawada Division, Nawada.
4. The Sub-Divisional Inspector, Nawada Division, Nawada.

..... RESPONDENTS.

By Advocate :- Shri R.K.Choubey, ASC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- The applicant was appointed as EDBPM in the year 1969 at Ghostawan Branch Post Office. As per claim made in the application the applicant had read up to XIth class, the certificate for which was retained by the department in which his date of birth was noted to be 25.02.1951. In this regard annexed at page 7 is a document which purports to be the School Leaving Certificate dated 18.02.1969 issued by the High School, Samal, Gaya. While working as EDBPM his post office was supervised by the Postal Inspector, report of which starts from page 9 which is dated 29.07.1998 in which his date of birth has been noted to be 25.02.1951. Thereafter he



appeared in the departmental examination for promotion to Group 'D' post in the year 2001 and was successful and was promoted vice order at page 12 in which also the authorities had mentioned his date of birth to be 25.02.1951. Thereafter came the impugned order dated 11.08.2004 at page 13, in which he was retired from service with immediate effect on the ground that his actual date of birth was 10.02.1936 as per which he was to retire on 29.02.1996 on attaining 60 years of age but he had continued due to wrong date of birth i.e., 09.02.1951 as mentioned in the gradation list. The applicant has claimed that at the time of grant of School Leaving Certificate which is at page 7 he was reading in XIth Class and had passed Xth Class only. The grievance is that in spite of such documents placed on the record, apart from the gradation list mentioned in the impugned order, the applicant was made to retire prematurely vice the impugned order though he should have retired in the year 2011, on the corresponding date.

2. Shri R.K.Choubey, the learned Addl. Standing Counsel has submitted that the applicant's date of birth indeed was 10.02.1936 but in the appointment papers his date of birth was wrongly recorded to be 09.02.1951 because of some fake certificates filed by him which wrong continued till the same was detected after which a letter was issued from the Director of Postal Services [Hqrs.] at Annexure-R/1 addressed to the Superintendent of Post Offices, Nawada where the applicant was working, mentioning therein that the applicant had continued in service because of wrong mentioning of date of birth in the gradation list [09.02.1951] whereas per appointment papers of the applicant his date of birth was 10.02.1936 according to which he should have

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been retired from the GDS Cadre on 09.02.2001 itself. Learned counsel pointed out Annexure-2 series, including application filed by the applicant for appointment as EDBPM, wherein applicant had given his age to be 33 years [in 1969] and having read up to B.A. classes, which fact was also supported by a certificate given thereupon by the concerned Mukhia. There is no reply on the record ^{claiming} that this was ^{not} the application submitted by the applicant for being appointed as EDBPM, Ghostawan Branch Post Office. From a perusal of this application it would appear that the applicant had claimed that he had passed Matriculation examination in the year 1953 in second division and the Intermediate Examination in 1956 and he further got education up to B.A. Thereafter he wrote as follows :-

"I am a youth of 33 and of sound health....."

3. This application was submitted in the year 1969, the Mukhia having signed upon it in which he also has stated that the applicant had passed Matriculation from Nawada and had passed Intermediate in Arts, and had got education up to B.A. . The next is a certificate granted by the Principal of RD & DJ College, Monghyr [an attested copy of the certificate] in which he had certified that the applicant, Aditya Pandya was a student of the College since 1956-58 and during the period he had prosecuted his studies for B.A.Examination. The next is a certificate obtained by the respondents from the Education Department of Govt. of Bihar in which it has been certified that Aditya Pandya [the applicant], S/o Pandit Jadunandan Pandey of village Ghostwan, P.S.: Nawada, District : Gaya [the same particulars as given in the instant OA] had passed Annual Secondary School Examination in the year

[Signature]

1953 in second division whose date of birth was, as recorded in the admission register, 10.02.1936.

4. The learned Addl. Standing Counsel submitted that the dates were wrongly recorded on the basis of some documents supplied by the applicant once he was appointed but his own admission through his application supported by the certificates granted by the Principal of the College concerned and of the official of the Education Department conclusively proved that his date of birth was 10.02.1936.

5. In the documents supplied by the respondents, most particularly the application submitted for being appointed as EDBPM in the year 1969 on which he was so appointed, the applicant had admitted that he had passed up to Intermediate in Arts Examination and at that point of time he was 33 years old. This admission would outweigh other documents relied upon by the applicant. Obviously, the respondents have committed a mistake in entering the date of birth on the basis of such documents without comparing those with his application for such appointment which indeed was an act of gross negligence on the part of the concerned officials. However, that would not diminish the effect of the documents placed on record by the respondents in so far the date of birth of the applicant is concerned. The applicant has admitted in his application that he had passed matriculation also. Not having denied this annexure, the applicant obviously has moved this Tribunal suppressing vital facts and documents such as the matriculation certificated issued by the Bihar School Examination Board. Having passed up to Intermediate in Arts

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OA 660 of 2005

Examination, the applicant has not come up with clean hands while claiming that he was a non-matriculate. This obviously has been done to give credence to the purported School Leaving Certificate at page 7.

6. The applicant, in view of the materials on record, has not come with clean hands and has suppressed facts. The applicant, therefore is not entitled to any relief. This application is dismissed with cost of Rs.1000/- [Rupees One Thousand] only.



[P.K.Sinha]/VC

skj.