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OA 834/2005

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.834 of 2005

Date of order : 31st August, 2006

CORAM

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Mahendra Prasad Singh, son of Badhdeo Prasad Singh, resident of
Village – Salarpur, P.O. - Salarpur.

..... **Applicant**

Vrs.

1. The Union of India through the Chief Postmaster General, Bihar
Circle, Patna.

2. Superintendent of Post Offices, Begusarai Division, Begusarai –
851101.

..... **Respondents**

Counsel for the applicant : Shri Suresh Gandhi

Counsel for the respondents : Shri R.K.Choubey, ASC



ORDER

Justice P.K.Sinha, Vice-Chairman : -

The applicant who was inducted as EDDA [now GDSMD] in the Postal Department on 19.8.1960, claims that his date of birth was 10.7.1943 which was also inscribed in the gradation list of the year 1981 [Annexure-A/3], whereas he was made to retire, on attaining the age of 65 years, in the afternoon of 9.7.2005, the respondents claiming his date of birth to be 10.7.1940.

2. The applicant has based his claim on Annexure-A/3, the gradation list of the year 1981, as well on Annexure-A/4 which was the inspection report of his post office by the Sub-Divisional Inspector, Khagaria dated 16.9.2002 in which it was mentioned that as per certificate produced by the applicant, his date of birth was recorded to be 10.7.1943 whereas his date of birth in the gradation list was 10.7.1940. The other document on which the applicant has relied is Annexure-A/2, copy of the certificate issued by the Bihar School Examination Board, in which he had appeared in 1963 which also noted his date of birth to be 10.7.1943. Besides this it has been claimed that when the matter of his retirement was raised, the department had also got the matter verified from his school which inquiry supported his case.

3. On behalf of the respondents it has been argued that Annexure-A/4 is



only an inspection report in which both dates of birth have been mentioned, one claimed by the applicant by producing a certificate and the other mentioned in the gradation list, hence that cannot be treated to be a decision of the department for change of his date of birth.

4. It has further been argued that by mistake in the gradation list of 1981, his date of birth was mentioned 10.7.1943 but that mistake was detected, and in the subsequent gradation lists issued in the years 1991, 1998 and 2005 correct date of birth was mentioned, i.e., 10.7.1940. It was argued that the applicant never represented against the entry in the subsequent gradation lists nor did he raise any objection when the retirement memo dated 15.3.2005 was issued to him on the basis of his date of birth being 10.7.1940. A copy of this was issued to all the concerned officials including the applicant but even then he raised no objection and handed over charge on the appointed date of superannuation, whereafter he filed this application, more than five months after his retirement.

5. In so far as Annexure-A/2, certificate of the Bihar School Examination Board is concerned, on behalf of the respondents Shri R.K. Choubey, 1d. ASC argued that obviously he had appeared in the matriculation examination after about 3 years of his assuming charge as EDDA, hence the date of birth recorded therein on the basis of declaration

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made by the applicant himself in the concerned school would not establish that his date of birth actually was 10.7.1943, particularly when even after passing that examination, he never produced that certificate before the authorities for correcting his date of birth, even after publishing of the gradation lists in the years 1991, 1998 and 2005.

6. In the rejoinder to the written statement filed, the applicant has claimed that the applicant always had given representations before the authorities concerned which were never considered.

7. When the learned counsel for the applicant was asked that, in view of the specific denial that no such representations were filed even after issuance of three gradation lists, whether the applicant has any proof of having handed over his representations against such mention of date of birth in the gradation lists or even after receiving the retirement memo, the learned counsel for the applicant admitted that no such documentary proof was there.

8. Therefore, it has to be held that even after publication of three gradation lists since 1991 and despite receipt of retirement-memo, the applicant has not been shown to have moved the authorities against any of those, nor having taken any legal recourse. Even after his retirement, he waited for more than five months to come to this Tribunal with his

grievance.

9. In view of such laches on the part of the applicant, ^{at} this belated _{K 3.} stage this application for correction in the date of birth in the official records cannot be allowed.

10. This application is dismissed. No costs.


[P.K.Sinha] VC

mps.