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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 35 of 1990(L)

Bhagwan . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C.Srivastava,V.C.

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava,V.C.)

The applicant who was appointed on 9.3.1964 as Contingency paid Chaukidar in Atheha Sub-Post Office District Pratapgarh. From the pleadings of the parties it appears, that at the time of his induction in service, the applicant has stated his age as 41 years, and in the application also which was submitted by him, it was stated that his age was 41 years and as per his statement his date of birth was taken as 9.3.1923. Calculating his date of birth as 1923, the applicant has attained the age of 65 years on 9.3.1988 i.e. thereby attained the age of superannuation.

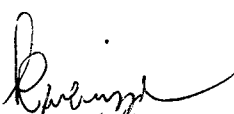
2. According to the respondents, it was discovered that he was not physically fit to discharge the duties, and that's why the respondents moved for tracing out the date of retirement, and in the process of enquiry the extract of Kutumb Register was obtained from the village Panchayat Adhikari in which it was disclosed that he was born in the year 1923. When the applicant was medically examined, his date of birth was found the same as has been stated in his application. When the applicant learnt that he was going to retire, he made the representation, it was then directed that from the Chief Medical Officer, his age may be verified and the Chief Medical Officer also verified that he was of that particular age. This case was also supported by the Union and

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of course after taking into consideration the facts and his own statement in his application and the medical report and the certificate, the respondents found that he was 65 years and that his services were put an end to. It is this order which has been challenged by the applicant. In view of the fact that the applicant has attained the age of superannuation beyond which he could not have worked and the respondents have enough evidence in their possession and into the applicants' own admission, no error whatsoever has been committed and accordingly, this application deserves to be dismissed and it is dismissed. No order as to costs.

  
Member (A)

  
Vice Chairman

Lucknow Dated: 24.2.1993.

(RKA)