

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A. NO: 74/92

199

T.A. NO:

DATE OF DECISION 18.9.1992

M.P.PATLE

Petitioner

D.B.Walthare

Advocate for the Petitioners

Versus

The Union of India & ors.

Respondent

Shri Ramesh Darda.

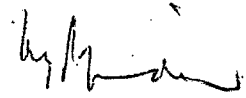
Advocate for the Respondent(s)

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 ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?


(M.Y.PRIOLKAR)
M/A

mbm*

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

OA 74/92

SHRI M.P.PATLE,
Postman, Gondia,
Gondia Civil Lines-441601.

.... Applicant

V/s

The Union of India
and another.

.... Respondents

CORAM : HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Shri D.B.Walthare, Adv.
for the respondents.

Shri R.Darda, Adv.
for the respondents.

ORAL JUDGEMENT

18th SPT.1992

(PER : M.Y.PRIOLKAR, M/A)

The applicant in this case while working as Postman had approached this Tribunal with the grievance that although his correct date of birth is 6.7.1934, it has been wrongly entered in the service record as 6.1.1934 and the date of superannuation has been determined on this incorrect date of birth. After hearing learned counsel for the respondents and perusal of the record, this Tribunal by its interim order dated 31.1.1992 had directed the respondents to continue the applicant in service beyond 31.1.1992 and that the respondents should examine the documentary evidence produced by the applicant on merit and take a final decision regarding the date of birth. It was also directed that the applicant should be paid his normal salary during this period but this service need not be counted for the retirement benefits, in case the final decision goes against the applicant. In the

interim relief order it was also observed that after perusing the service records it was difficult for the Tribunal to determine whether the service record produced was, in fact, the original service book as claimed by the respondents or reconstructed one as alleged by the applicant. This case was fixed on 10.3.1992 for admission hearing and final disposal, but the respondents do not seem to have appeared on that date and the case was adjourned. In the meanwhile, the applicant retired from service on 31.7.1992, which is the superannuation date, on the basis of what the applicant claims to be the correct date of birth.

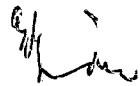
2. The grievance now of the applicant is that the department has still not taken a decision to correct the date of birth as directed by the Tribunal on 31.1.1992 on the basis of documentary evidence produced and the retirement benefits are not being paid to him pending the final decision on this case.

3. In these circumstances and taking into account the fact that already more than seven months have elapsed since the Tribunal's last order, this case can be disposed of finally with the direction to the respondents, which is hereby given, that the competent authority should take a final decision on merit after examining the documentary evidence produced by the applicant within a period

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of one month from today and the retirement benefits should be paid to the applicant within a month thereafter on the basis of the decision which will be taken by the competent authority. It is also directed that in case no decision is taken within one month from today, the date 6.7.1934 will be deemed to be the correct date of birth of the applicant, and the retirement benefits will be calculated on the basis of his qualifying service till 31.7.1992 and the payment of the retirement benefits will be made to him latest by 30th November 1992. With the above directions this case is disposed of, with no order as to costs. A copy of this order may be given as expeditiously as possible to the parties as requested by them.



(M.Y. PRIOLKAR)
M/A

srl.