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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1323/93

Transfer Application No:

DATE OF DECISION 31.12.93

Smt. Sunnabi Abdul Pathan Petitioner

Shri S.P. Kulkarni Advocate for the Petitioners

Versus

Union of India and others. Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri M.R. Kolhatkar, Member (A)

The Hon'ble Shri

1. whether Reporters of local papers may be allowed to see the Judgement ? X
2. To be referred to the Reporter or not ? X
3. Whether their Lordships wish to see the fair copy of the Judgement ? X
4. Whether it needs to be circulated to other Benches of the Tribunal ? X

M.R. Kolhatkar
(M.R. Kolhatkar)
Member (A)

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(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No.1323/93

Smt. Sunnabi Abdul Pathan

... Applicant.

V/s.

Union of India through
Senior Postmaster
Pune Head Post Office
Pune H.P.O. Building,
Camp, Pune.

Postmaster General
Pune Regiona.
Pump Camp, Pune.

... Respondents.

CORAM: Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri S.P.Kulkarni, counsel
for the applicant.

ORAL JUDGEMENT

Dated: 31.12.93.

¶ Per Shri M.R. Kolhatkar, Member (A) ¶

This application dated 29.12.93 has been filed by the applicant who is due to retire today i.e. on 31.12.93. The applicant has impugned the orders of the department dated 13.12.93 (Annexure A 1), rejecting the application of the applicant said to have been filed in 1991 for change of date of birth on the basis of a certificate from Gram Panchayat which itself followed J.M.F.C. directions under Maharashtra Registration of Births and Deaths Rules 1976, about the date of birth being 3.12.38 and not 7.12.33 which later date was recorded in the departmental records. It is the contention of the applicant that the department had not considered the directions of the J.M.F.C. which led to issue of the certificate of Gram Panchayat.

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He has further contended that the department have not complied with the Rules 129 and 130 of the P & T ~~Manual Vol. I~~. IV which prescribe the procedure of medical examination by the Civil servant, where the service rendered is less than 30 years.

The applicant has also prayed for interim relief by way of holding the retirement on superannuation of the applicant w.e.f. 31.12.93 in abeyance.

On hearing the learned counsel for the applicant and going through the record we feel that this case can be disposed of by issuing a proper direction to the respondents. O.A. is admitted and the case is disposed of by passing the following order.

ORDER

Respondent No. 2, Postmaster General, Pune Region, Pune Camp, Pune is directed to consider the application dated 29.12.93 from the applicant as a representation made to him and dispose of the same by means of speaking order within three months from the date of receipt of this order. Respondent No.2 is also directed not to retire the applicant on superannuation as on 31.12.93 but retain the applicant in service till the disposal of the application by a speaking order as mentioned above. If the applicant is aggrieved by the speaking order of the respondent No.2, he is at liberty to approach this Tribunal under law.

DASTI.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

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