

Central Administrative Tribunal
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 250 of 1990

Date of Decision : 25-2-1991

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Y. Venkatratnam

Petitioner.

Shri P. Sesha Rao

Advocate for the
petitioner (s)

Versus

~~The Sr. Supdt. of Post Offices, Bhimavaram
Division, Bheemavaram, West Godavari Dist.~~

Respondent.

Shri E. Madan Mohan Rao
Addl. CGSC.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR. D.SURYA RAO, MEMBER (JUDICIAL).

1. Whether Reporters of local papers may be allowed to see the Judgement? **No**
2. To be referred to the Reporter or not? **No**
3. Whether their Lordships wish to see the fair copy of the Judgment? **No**
4. Whether it needs to be circulated to other Benches of the Tribunal? **No**
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

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(B.N.J.)

(D.S.R.)

32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No. 250 of 1990

Dt. of Decision: 25-2-1991

Between:-

Y.Venkatratnam ..

Applicant

and

The Senior Superintendent of
Post Offices, Bhimavaram Division,
Bheemavaram, West Godavari Dist.

..

Respondent

Appearance:

For the Applicant : Shri P.Sesha Rao, Advocate.

For the Respondent : Shri E.Madan Mohan Rao,
Addl.C.G.S.C.

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE MEMBER (J),
SHRI D.SURYA RAO.

1. The applicant herein was formerly a Branch Postmaster in Kollaparru, Akiveedu Mandal, West Godavari District. He has filed this application with a prayer to quash the Memo No.B10/335, dated 13-9-1989 issued by the respondent and direct the respondent to treat the applicant's date of birth as 14-3-1928 and continue him in service till 14-3-1993.

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: 2 :

2. The applicant's case is that he was appointed in the year 1969 as Extra Departmental Branch Postmaster. At the time of submitting his application dated 18-11-1968 for the said post, he gave his date of birth as 14-3-1928 whereas his date of birth was wrongly entered as 15-3-1925 in the office records of the respondent. He alleges that the respondent by his letter No.534-201, dt.24-7-1984 had directed the applicant to furnish an attested copy of the date of birth. The applicant could not do so because the records of the Elementary School in which he studied were washed away in the floods. Thereafter the applicant submitted the proof of age i.e. a certificate issued by a Medical Officer, Government Headquarters Hospital, Eluru, to the effect that the applicant's age is 62 years as on the date of certificate. Thereafter the respondent issued a Memo No.B10/335, dated 13-9-1989 informing the applicant that his services will be terminated on 24-3-1990 a.m. The said Memo is based on the date of birth which was wrongly entered in the office records of the respondent. The applicant alleges that the respondent is not justified in calling upon the applicant to produce the certified copy of the date of birth. The applicant therefore prayed for a direction to quash the Memo dated 13-9-1989 issued by the respondent and to treat the applicant's date of birth as 14-3-1928.

3. On behalf of the respondents a counter has been filed stating that the applicant himself had furnished his date of birth as 14-3-1928 in the application submitted by him for selection to the said post on 18.11.1968 whereas he has mentioned his date of birth as 24.3.1925 in his own

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handwriting in the 'Attestation Forms' submitted by him on 1-1-1969 and the same date was noted in the 'Descriptive Particulars' submitted by the applicant on 17.3.1969. Hence the date of birth of the applicant as per the departmental records is 24.3.1925 and as such, he attained the age of 65 years by 24.3.1990 and was discharged from service on 24.3.1990 A.N. ^{therefore A} It is further stated that the contention of the applicant that his date of birth was ^(written) 14-3-1928 is not supported by any documentary proof and ^{is not correct. A} ^{also A} the same would not stand valid. It is stated that the Medical Certificate produced by the applicant cannot be relied upon as it does not clearly specify the date of birth of the applicant. Since the applicant could not produce any documentary proof of his date of birth despite giving him an opportunity, the date of birth as entered in the Service Register, which is based on the applicant's own attestation form, was accepted and he was called upon to retire by the impugned Memo dated 13-9-1989. For these reasons it is stated that the application is liable to be dismissed.

4. We have heard Shri P.Sesha Rao, learned Counsel for the applicant, and Shri E.Madan Mohan Rao, learned Addl. Central Government Standing Counsel, on behalf of the respondents.

5. Shri P.Sesha Rao, learned Counsel for the applicant, states that in M.A.301 of 1990 filed in this O.A., ^{applicant} filed the proof of a xerox copy of the date of birth certificate issued by the Mission High School, Narsapuram, West Godavari District, showing the applicant's date of birth as 14-3-1928. He states that he could not produce this certificate to the authorities concerned as he could not

: 4 :

procure the same at that time. The applicant has already retired from service on 24-3-1990. Admittedly he has not been able to produce any satisfactory record for change of his date of birth even though an opportunity was given to him by the respondent. The action of the respondent cannot, therefore, be assailed. Production of a certificate at this stage would not help him. In the circumstances we see no merit in this application. The application is accordingly dismissed. No order as to costs.

(Dictated in the Open Court)

B.N.Jayasimha

(B.N.JAYASIMHA)

VICE-CHAIRMAN

D.Surya Rao

(D.SURYA RAO)

MEMBER (JUDICIAL)

Date: 25-2-1991

Deputy Registrar (S)

To

1. The Senior Superintendent of Post Offices,
nsr Bhimavaram Division, Bheemavaram, West Godavari Dist.
2. The copy to Mr.P.Sesha Rao, Advocate
3-6-290/A-3Aziz Towers, Hyderabad, Hyderabad.
3. One copy to Mr.E.Madanmohan Rao, Addl. OGSC, CAT.Hyd.
4. One spare copy.

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8*