

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. No. 910/94.

Dt. of Decision : 1-8-1994.

Mr. Mohd. Abdul Sattar

.. Applicant.

Vs

Superintendent of Post Offices,  
Karimnagar Dist.

.. Respondents

Counsel for the Applicant : Mr. N. Rajeswara Rao

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN  
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

Heard Sri N. Rajeswara Rao, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondent.

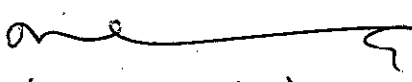
notification dated 26-4-1994 issued by the respondent calling for applications for the post of EDBPM, Akkannapet, 3. The applicant was appointed as EDBPM in 1959 and then he had given his date of birth as 22-6-1929 and the same was incorporated in the Service Record of the applicant. He was informed on 28-3-1994 that he would attain the age of superannuation on 22-6-1994. As the vacancy is going to arise in regard to the post of EDBPM, Akkannapet, from 22-6-1994, the impugned notification dt.26-4-1994 was issued.

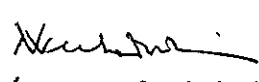
4. In 1990, it was noticed at the time of inquiry by the Division Inspector of Post Offices that the real date of birth of the applicant is 24-1-1936, and hence he made representation dated 29-5-1990 to correct the date of birth accordingly in the service register and the said representation is not yet disposed, and the applicant again submitted another representation dated 5-4-1994 and it is not open to the respondents to issue the impugned notification with <sup>out disposing</sup> ~~disposal~~ of his representation referred to above, urged the learned counsel for the applicant.

5. Even EDBPM is a Central Government employee. OM dated 30-11-1979 vide No.19017/79/Estt.A, is equally applicable to Extra Departmental staff of the Postal Department. It was held by the Supreme Court in AIR 1993 SC 1367 (Union of India vs. Harnam Singh (CA.502/93) case that the OM dated 30-11-1979 is equally applicable even to those who were in service by the date of the said OM. As such the representations filed by the applicant in 1990 and 1994 praying for correction of date of birth are after 1984 and hence beyond time, and hence they cannot be entertained.

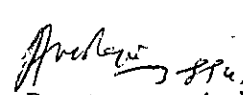
6. There is thus no force in the contention for the applicant that the respondent has no power to issue the impugned notification without disposing of the representations of the applicant. As they are time barred representations this Tribunal cannot give any direction to the respondent to consider those representations. When such representations cannot be entertained being time-barred, there is no bar for issuing the impugned notification. As such this OA does not merit consideration.

7. In the result, this OA is dismissed at the stage of admission. No costs.\

  
(R. Rangarajan)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : August 1, 94  
Dictated in Open Court

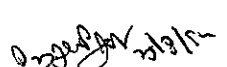
  
Deputy Registrar(J)CC

To

~~XXXX~~ sk

1. The Superintendent of Post Offices, Karimnagar Division, Karimnagar Dist.
2. One copy to Mr.N.Rajeswar Rao, Advocate, Road No.12, Banjara Hills, Hyderabad.
3. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADJN)

DATED: 1 - 8 - 1994

~~ORDER~~ JUDGMENT

M.A.No./R.A/C.A.No.

in

O.A.No.

910/94.

(T.A.No.

(W.P.NO

)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed at admission stage.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

