

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.125/94

date of decision : 18-2-94

Between

B.V. Narasimha Rao

: Applicant

and

The Supdt.of Post Offices

: Respondent

Counsel for the applicant

: KLN Rao, Advocate

Counsel for the respondent

: N.R. Devaraj, SC for  
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. A.B. GORTHI, MEMBER (ADMINISTRATION)

*[Handwritten signature]*

(21)

O.A.NO.125/94

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri KLN Rao, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was engaged as Extra Departmental Branch Post Master (EDBPM) of Kothur, a/c with Vardhamapet S.O. on 8.2.1952. He was <sup>informed</sup> by the memo dated 14.9.1993 that he would retire on 9.2.1994 on attaining the age of superannuation which is 65 years in regard to the EDBPMs. This OA was filed praying for quashing the memo dated 14.9.1993 whereby the applicant was informed that he ~~was~~ <sup>by holding it</sup> would retire with effect from 9.2.1994 as illegal, void and for a declaration that the applicant is entitled to be in service till 31.3.1994. It is alleged in the OA that in the ~~xxxxxxxxxxxx~~ last three inspections, the date of birth of the applicant was noted as 29.3.1929 in the inspection notes.

3. As it is one of verification of the date of birth of the applicant as noted in the records of the respondents, we required the respondents to produce the relevant record. Today, the declaration dated 5.12.1991 <sup>1971</sup> filed by the applicant was produced. Therein, the date of birth of the applicant was noted as 10.2.1929. The applicant had not produced any record to disclose that after 5.12.1991 <sup>1971</sup>, and before the date of birth was noted as 29.3.1929 in the inspection notes, the date of birth of the applicant was ~~noted~~ altered. Thus, when the basis for

contd....

22/9/94

.. 3 ..

in inspection notes

noting the date of birth of the applicant ~~be shown~~ is not ~~sure~~, it is not just and proper to rely upon the recital in regard to the date of birth of the applicant in the declaration filed by the applicant as early as in 1971. Thus, it is proper to hold that the date of birth of the applicant as declared by him to the respondents is 10.2.29 and hence the applicant was rightly informed that he had to retire on 10.2.1994 on completion of 60 years.

4. It is not even the case of the applicant that EDBPMs have to retire at the end of the calender month if the date of birth <sup>falls</sup> is on any date in that month.

5. In the result, the OA is dismissed at the admission stage. No costs.

*(Signature)*  
(A.B.GORTHI)  
MEMBER (ADMN.)

*(Signature)*  
(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 18th February, 1994.  
Open court dictation.

*(Signature)* 15334  
Deputy Registrar(J)CC.

To

1. The Superintendent of Post Offices, Warangal.
  2. One copy to Mr.K.L.N.Rao, Advocate, HIG, B-6, F-8, Chhatrapally, Hyd.
  3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
  4. One copy to Library, CAT.Hyd.
  5. One spare copy.
- PVR

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

THE HON'BLE MR. A. E. GORTHY : MEMBER (A)

AND

MR. T. CHANDRASEKHAR REDDY

AND

THE HON'BLE MR. R. RAGHURAMAN : MEMBER  
(ADMN)

Dated: 18-2-1994.

ORDER/JUDGMENT:

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

O.A.No.

125/94

T.A.No.

(W.P.No. )

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. *at admission*

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

Central Administrative Tribunal  
DESPATCH  
21 MAR 1994

HYDERABAD

15/3/94