

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A. NO. 828X88X 698/95

16.6.95
DATE OF JUDGMENT: 25/6/95

BETWEEN:

T.Puttappa

.. Applicant

AND

The Sr. Superintendent of Post Offices,
Chittoor Division,
Chittoor.

.. Respondent

COUNSEL FOR THE APPLICANT: SHRI K.Venkatarao Reddy

COUNSEL FOR THE RESPONDENTS: SHRINR Devaraj
Sr./~~XXXX~~.CGSC

CORAM:

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

CONTD....

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O.A.NO.698/95.

JUDGMENT

Dt:16.6.95

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

Heard Shri K.Venkataram Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant, ED Branch Postmaster, Magandlapalle, was informed by the memo dated 14.2.1995 that he ~~xxxx~~ has to retire on 14.6.1995 ~~as~~ he would be completing 65 years by that date. Then the applicant submitted representation along with an extract from the Birth Register to the effect that his date of birth was 02.5.1937 and hence he would be completing 65 years on 1.5.2002. But when the respondents had not given any reply on the basis of that representation, this OA was filed on 12.6.1995 praying for setting aside the memo dated 14.6.1995 and for declaring that the applicant ~~is~~ is entitled to be continued in service till 1.5.2002.

3. Note-5 to FR 56(m) was amended by the Administrative Reforms Notification No.19017/79/Ett.A D, dated 30.11.1979. It envisages that requests for correction in regard to the date of birth of the Central Government employees have to be made within five years from the date of entry into service. The

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Apex Court held in ~~1993~~ AIR 1993 SC 1367 (Union of India Vs. Harnam Singh) that the said amended note is equally applicable in regard to those who were in service by 30.11.1979 and as such their requests for correction of date of birth if received beyond 30.11.1984 cannot be entertained.

4. The applicant herein was admittedly in service by 30.11.1979. He had not come up with request for correction in regard to his date of birth prior to 30.11.1984. Thus, as the amended note 5 to FR 56(m) is applicable to the applicant, this OA has to be dismissed by holding that his request for correction in regard to his date of birth is beyond time. So, the point that arises for consideration is as to whether FR 56(m) along with Note 5 is applicable to the applicant herein. It is now well established that the Extra Departmental employees of the Postal Department are Civil servants and hence they are entitled to the benefit under Article 311 of the Constitution of India. F.R. 2 states that Fundamental Rules apply subject to the provision of Rule 3 to all the Government servants whose pay is debit able to Civil Estimates. FR 3 refers to the Government servants whose conditions of service are governed by Army or Marine Regulations. The remuneration payable to the ED employees is debit able to the Civil Estimates ~~and~~ of the Ministry of the Posts and Telegraphs. As such,

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To

1. The Sr. Superintendent of Post Offices,
Chittoor Division, Chittoor.
2. One copy to Mr.K.Venkatram Reddy, Advocate, MIG II
B-14, P-14, Baghlingampally, Hyderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd
4. One copy to Library, CAT.Hyd.
5. One spare copy.

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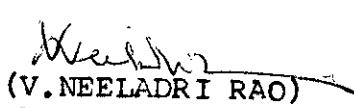
15/6/2011

we hold that the Fundamental Rules to the extent they are applicable are applicable to the Extra Departmental employees ~~is~~ of the Postal Department.

5. The applicant joined service on 11.4.1960. At the time of his joining service, he had given his date of birth as 15.6.1930. Even assuming that Fundamental Rules are not applicable to the ED employees and as such Note 5 in FR 56(m) is not applicable to him, still as it is a case where the applicant had come up with the request for amending his date of birth after more than $3\frac{1}{2}$ ~~xxxx~~ decades after he joined service and about few months before the date of his retirement as per the date of birth noted in the service register, we feel it not a case where it had to be entertained even though the applicant is relying upon the extract from his birth register which ^{is being high} ~~has to be given~~ evidentiary value according to the learned counsel for the applicant.

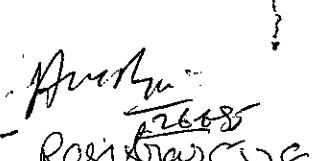
6. In the result, the OA is dismissed at the admission stage. No costs.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 16th June, 1995.
Open court dictation.

vsn


Deputy Registrar
2608
P. R. RANGARAJAN

THPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

THE HON'BLE MR. Ranga Raju (M(ADMN))

DATED 16/7/95 1995.

~~ORDER/JUDGMENT:~~

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

in

OA.No.

698195

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No spare copy

Central Administrative Tribunal
DESPATCH

13 JUL 1995 NBY

HYDERABAD BENCH