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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.910 of 1995

DATE OF ORDER: 5th July, 1996

BETWEEN:

L.MALLAIAH

.. Applicant

and

1. The Sub-Postmaster,
Sirpur Kagaznagar,
Adilabad District,

2. The Superintendent of Post Offices,
Adilabad Division,
Adilabad.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr. N.R.DEVARAJ, Sr.CGSC

CORAM:

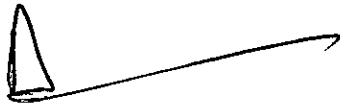
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

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

2. The applicant in this OA joined as Extra Departmental Agent in the Postal Department under R-1. He



rejected his earlier representation on this ground.

3. This OA is filed praying for direction to the respondents to restore his date of birth to that of 26.3.41 instead of 16.7.37 and in the alternative the date of birth recorded in the Transfer Certificate may be entered in the service register duly allowing him to continue in service as per the revised date of birth/restored date of birth.

4. The applicant in this OA has not challenged the letter of R-2 dated 14.7.95 issued in pursuance of the direction given by this Tribunal in OA 748/95 decided on 29.6.95. In the relief he only asked for correction of his date of birth from 16.7.37 to 26.3.41. Alternatively he prays that his date of birth as entered in the Transfer Certificate as 15.3.39 may be taken as his correct date of birth. From the above prayer, it looks that the applicant has not made up his mind whether to stick to the date of birth as 26.3.41 or 15.3.39 incorporated in the Transfer Certificate. As he has not challenged the impugned order dated 14.7.95, the case may be looked from the angle of rule of resjudicata. But he being a low paid employee, I do not like to dispose of this case on that point and decide to dispose of the case on merits.

5. The only point for consideration is whether the date of birth entered in the service register as 16.7.37 is in order or not. Though the applicant submits that in the gradation list issued as on 1.7.87 (Annexure IV) his date



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was selected as Class IV and subsequently passed Postman Examination and posted as Postman on 7.10.81. The applicant submits that his date of birth is 26.3.41 and not 16.7.37 as entered in the service register. Earlier he filed O.A.NO.748/95 which was disposed of on 29.6.95 with a direction that R-2 therein had to dispose of the representation of the applicant dated 21.12.94 with a speaking order considering all the points mentioned by the applicant and analysing the merits of his contentions. In pursuance of the directions, his representation was disposed of by R-2 in this OA by the ~~impugned~~ order No.B-2/57/II/95 dated 14.7.95. In the ~~impugned~~ order it is stated that the entry of his date of birth as 16.7.37 entered in the service register has been signed by him on 12.8.85. If these entries are incorrect, he should have protested the same and got it corrected, more so because his transfer certificate issued by the Head Master, Government High School, Sirpur Kagaznagar shows the date of birth as 15.3.39. He kept silent till 21.12.94 when he filed his first representation for correction of his date of birth. Even though he submitted that he had submitted representation earlier to 4.9.91, that representation does not appear to have been received by respondent-authorities. The impugned letter further says that the applicant should have got his date of birth rectified in accordance with the Note No.6 under F.R. 56 within five years after joining as Postman. As he joined as Postman on 7.10.81, he should have got his date of birth corrected before 1988 or 1987 which he failed to do. Hence the competent authority



of birth is shown as 26.3.41, there is over-writing in this column. Hence I do not propose to take any cognisance of this date of birth ^{entered on the graduation list} as the applicant has not explained in this OA as to how this over-writing had occurred.

6. The applicant submits that the date of birth recorded in the service register as 16.7.37 is not correct and his signature on that page dated 12.8.85 is not his signature. He submits that his signatures as written in the details of the family in Form III captioned as "Nomination for Death Relief Fund" are correct ones and those signatures were made on 3.6.95 and 31.12.86. But the learned counsel submits that the signature of the applicant in Form IV captioned as "Nomination for benefits under Central Govt. Employees' Insurance Scheme" dated 15.2.86 and the signature dated 12.8.85 on the bio-data sheet of the applicant's service register tallies and hence there is no doubt that he has accepted his date of birth as 16.7.37. The learned ^{Mandir} counsel further submits that the signature in the form captioned as "Nomination-cum-Death Relief Fund and the signature in the other two forms viz, Form V and Bio Data in Form 'C' tallies and hence there is no doubt that the applicant has signed his bio-data sheet accepting his date of birth as 16.7.37.

7. Though the learned counsel for the applicant submits that the date of birth as entered in the bio-data sheet has to be shown to him after every five years as per the rules ^{in vogue,} no rule has been shown to that effect. Hence in

the absence of any rule, no conclusion can be drawn in this connection.

8. In the circumstances quoted above, the only point to be examined is whether the signature as given in the bio-data sheet is genuine or not and that ~~the~~ signature has to be compared with the other two signatures indicated in the various forms as above. Hence R-2 should be directed to examine this issue in consultation with the Forensic Expert and take a judicious decision in regard to the authenticity of the signature of the applicant in the bio-data sheet. If on the basis of the above consultation with the Forensic Expert, if he comes to the conclusion that the signature in the bio-data form is authentic, no further action shall be taken. If it is not so, R-2 should initiate such action as ^{be necessary} ~~he~~ may ~~deem fit~~ in accordance with the rules. The result of the consultation of the Forensic Expert should be informed to the applicant.

9. In the result, the following direction is given:-

R-2 in consultation with the Forensic Expert should examine the authenticity of the signature of the applicant on the bio-data form and if the authenticity of the signature of the applicant in the bio-data form is confirmed, no further action is necessary. In case it is not confirmed, R-2 should initiate necessary action in accordance with the departmental rules. The applicant should be informed of the the result of the above in due course.

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Copy to:-

1. The Sub Postmaster, Sirpur Kagaznagar, Adilabad District.
2. The Superintendent of Post Offices, Adilabad Division, Adilabad.
3. One copy to Sri. S.Ramakrishna Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

21/7/96

GA-910795

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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 5/7/96

ORDER/JUDGEMENT
O.A. NO. / R.A. / C.P. NO.

in

O.A. NO. 910/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
ब्रेक/DESPATCH
22 JUL 1996
हैदराबाद न्यायापीठ
HYDERABAD BENCH