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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 116/95.

Dt. of Decision : 31-1-95.

Mohd. Jaffar

.. Applicant.

1. Inspector of Post offices,
Nagarkurnool Mahabubnagar Dist.

2. Supdt. of Post Offices,
Wanaparthi, Mahabubnagar Dist.

.. Respondents.

Counsel for the Applicant : Mr. P.Rathaiah

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.)

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN I

Heard Shri P. Rathaiah, learned counsel
for the applicant and Shri N.V. Ramana,
learned standing counsel for the Respondents.

2. The applicant who is working as Mail overseer
filed this OA praying for a direction to the Res-
pondents to correct the date of birth of the applicant
as 12-8-1943 instead of 17-4-1937 as already recorded
in the service register.// The case of the applicant
in brief is as under:

He was appointed as EDMC in 1937 when he was
aged only 14 years. As the maximum age for entry
into service was 18 years even then, the date of
birth of the applicant was noted ^{as} 17-4-1937, even
though he was aged only 14 years. The applicant
was directed to submit his documents in regard to
educational qualifications/date of birth etc. Then
the applicant submitted TC which disclosed his
date of birth as 12-8-1943. The applicant was asked
to explain why his name was noted as Mohd. Jaffar
Miyan while his name was noted as Mohd. Jaffar in
the service register. He submitted the explanation
dated 1-1-69 ³ stating that he is called ^{as} Jaffar Miyan
and Mohd. Jaffar and if necessary the department
can correct his name. No reply was given to him
even after submission of representations in 1969,
1980 and also in 1989. But on 15-12-89 he was asked
to submit xerox copies of the documents submitted
by him. Then the applicant again made a representa-
tion on 2-12-94, when he was informed by letter

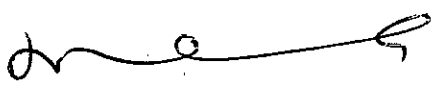
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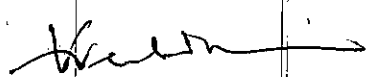
dated 13-4-94 that he has to retire on 30-4-95.

3. The Apex Court held in 1993 Supreme Court Cases (L&S) 375(Union of India Vs. Harnam Singh) that the application of the Central Government employee other than the Railways filed beyond 5 years from the date of coming into force of amended note 5 in 1979 should not be entertained. It may be further noted that the applicant got the benefit when his date of birth was noted as 17-4-1937 for otherwise he would not have been taken into service. Thus there is no equity also in favour of the applicant.

4. Hence this OA is dismissed at the admission stage itself. No costs./



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
Vice-Chairman

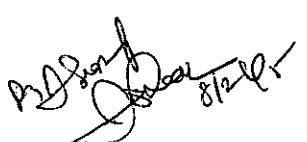
Dated 31st January, 1995.
Open court dictation

NS


Deputy Registrar(J)CC

- To
1. The Inspector of Post Offices,
Nagarkurnool, Mahaboobnagar Dist.
 2. The Superintendent of Post Offices,
Wanaparthi, Mahaboobnagar Dist.
 3. One copy to Mr.P.Rathaiah, Advocate, CAT.Hyd.
 4. One copy to Mr.N.V.Ramana, Addl.OGSC.CAT.Hyd.
 5. One copy to Library, CAT.Hyd.
 6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT HYDERABAD

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

AND

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

DATED: 31-1-1995

~~ORDER~~ JUDGMENT:

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

in

O.A.No.

116/95

T.A.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.

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