

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1177/97

Date of Order : 18.2.98

BETWEEN:

M.Krishna Rao

-- Applicant.

AND

1. The Senior Superintendent of Post Offices, Visakhapatnam.
2. The Post Master General, Waltair Up-lands, Visakhapatnam.
3. The Chief Post Master General, Abids, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.M.Kesava Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.M.Kesava Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

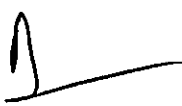
2. The applicant was informed by the impugned order No. B/ED/3/296/Nadupuru/97-98, dated 5.5.97 (A-1) that his services will be terminated on 11.9.97 (After Noon) as he attains the age of 65 years. The applicant submits that he was born on September 1934 and hence the date of birth as 12.9.32 is incorrect and on that basis terminating his services on the afternoon of 11.9.97 by the impugned order is irregular and he should be continued till September 1999.

3. This OA is filed for setting aside the impugned memo No.B/ED/3/296/Nadupuru/97-98, dated 5.5.97 of R-1 by holding it as illegal, arbitrary and for a consequential declaration that the actual date of birth of the applicant is September 1934 as entered in the inspection reports and further direct the respondents to continue him till 12.9.99 as EDBPM with all consequential benefits.

4. The learned counsel for the applicant submits that in the inspection reports dated 12.12.92 his date of birth is shown as September 1934. Similarly in the inspection report for the year 1994 his date of birth is once again shown as September 1934 and for the inspection report for the year 1995 also it is shown as September 1934. Hence he submits that his date of birth is to be taken as 1934 and not as 12.9.32 to retire him on the afternoon of ~~1997~~ 11.9.97.

5. ~~When~~ The learned counsel for the applicant also fairly submitted that he has no ^{proof} recorded to prove his age other than the date of birth entered in the inspection reports as referred to above. If suitable entry of his date of birth as 12.9.32 is recorded in the official records the same may be taken after verifying the correctness of that entry.

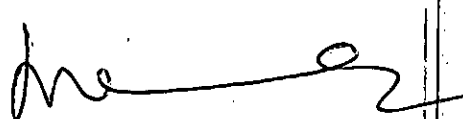
6. The learned counsel for the respondents brought to our notice the initial letter submitted by the applicant in the year 1951 for appointing him as ED Agent. In that letter enclosed as annexure to the reply the applicant himself states that he is aged 18 years in the year 1951. If that is the admission of his date of birth by the applicant then his date of birth taken as 12.9.32 cannot be disputed. Further I also find in the extract from page-16 of Register -1 showing the particulars of ED Agents in Visakhapatnam Sub Division the



date of birth of the applicant is recorded as 12.9.32. Similar entries are also available in Page-6 of Register-2 showing the particulars of the ED Agents in Visakhapatnam Sub Division. On 1.7.93 the Senior Superintendent of Post Offices has attested the date of birth of the applicant as 12.9.32. It is also seen from the extract of Page-1 of ED seniority list of Senior Superintendent of Post Offices of Visakhapatnam division the date of birth of the applicant is entered as 12.9.32. Even in the entries of the inspection report of 1994 and 1995 relied upon by the applicant as September 1934 has been corrected as 12.9.32.


7. In view of the number of evidences available to show that the applicant was borne on 12.9.32, mere statement in the inspection reports showing his date of birth as September 1934 cannot be taken as a reliable evidence to come to the conclusion that the applicant was borne in 1934.

8. In view of what is stated above I have no hesitation to say that the applicant's date of birth ^{has been} ~~had~~ correctly entered as 12.9.32 and because of that fact the ^{plea for correcting the} date of birth cannot be sustained. In that view the OA is only liable to be dismissed and accordingly dismissed. No costs.


(R. RANGARAJAN)
Member (Admn.)

Dated : 18th February, 1998

(Dictated in Open Court)


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Copy to:

1. The Senior Superintendent of Post Offices, Visakhapatnam.
2. The Postmaster General, Waltair Up-lands, Visakhapatnam.
3. The Chief Post Master General, Abids, Hyderabad.
4. One copy to Mr.M.Kesava Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

11/3/98

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TYPED BY
COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND
THE HON'BLE MR. B. S. JAI PARAMESHWAR : M(J)

DATED: 18/2/98

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

O.A.NO. 1177/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेचन/DESPATCH
13 MAR 1998
हैदराबाद ब्याचरीठ
HYDERABAD BENCH