

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL; HYDERABAD BENCH
AT HYDERABAD

OA.941/99

dated : 29.11.99

Between

K. Chandrasekharam

: Applicant

And

1. Superintendent of Post Offices
Guntur

2. Asstt. Supdt. of Post Offices
Mangalagiri Sub Division
Mangalagiri

: Respondents

Counsel for the applicant

: K. Sudhakar Reddy,
Advocate

Counsel for the respondents

: B. Narasimha Sharma
Sr. CGSC

Coram:

Hon. Mr.B.S. Jai Parameshwar, Member (Judl.)

Order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, M(J)

Heard Mr. K. Sudhakar Reddy, learned counsel for the applicant and Ms. Padma priya for Mr. B.Narasimha Sarma, learned counsel for the respondents. Mr. Koteswara Rao, an official from the department produced the attestation form submitted by the applicant on 16.2.1966.

2. On the date of filing this application the applicant was working as EDDA/II in the office of the Respondent No.2. He claims that his correct and actual date of birth is 1-7-37 and to be in service till 30.6.2002.



3. However, by their memo bearing No.PF/EDDA II/Amaravathi dated 11.5.99 (Annexure 1) the respondent No.2 directed the Post Master, Mangalagiri to discharge the services of the applicant with effect from 3.7.99 on his attaining the age of 65 years.

4. The applicant has filed this OA challenging the above memo dated 11.5.99 issued by the Respondent No.2 and to declare the same as illegal and direct the respondents to continue the applicant in service till 30.6.2002 as per his date of birth i.e.1-7-1937.

5. He submits that he had furnished his date of birth as 1-7-1937 to the respondent authorities and that the impugned memo dated 11.5.99 has been issued by the respondent No.2 only to harass him.

6. On 30.6.1999 an interim order was passed stating that the retirement of the applicant on 3.7.1999 ^{would be} ~~was~~ subject to the outcome of this OA.

7. The respondents have filed a reply stating that the applicant joined ED service in 1954, as per the records maintained by them the date of birth of the applicant is 4.7.1934 as recorded at the time of his appointment and that the applicant himself had submitted attestation form. That in the attestation form the applicant had mentioned his date of birth as 4.7.1934. That at the time of his appointment he was aged about 21 years. That a representation dated 25.7.1980 was made to the Appointing Authorities by the applicant stating that he was appointed on 29.1.1954 and expressed doubt as to his date of birth as 6-7-1939 and sought for checking up the attestation form. Then he was replied by letter bearing No.EDDA/Amaravathi dated 29.7.1980 that his date of appointment was the date of confirmed and informed him that his date of birth as 4.7.1934 and hence his date of birth could not be 6.7.1939.

8. They submit that ED staff are to retire on attaining the age of 65 years as per the rules. They also disputed the certificate purported to be issued by the Head Master, Primary School, Rentapalli. Thus they submit that as per the records maintained by the office his date of birth is 4.7.1934 and that he is to retire on 3.7.1999 on attaining the age of 65 years. Thus they pray for dismissal of the OA.



9. The applicant submits that his date of birth is 1-7-1937 and he is eligible to be in service till 30.6.2002. The applicant entered into service on 29.1.1954 and he submitted the attestation form on 16.2.1966. In the attestation form he had attested that his date of birth was 4.7.1934.

10. The learned counsel for the applicant during the course of his arguments submitted that he joined the services during the year 1954. That the respondents have produced the attestation form dated 16.2.1966 which was taken 12 years after joining his services. That the respondents have not produced the records of 1954 and that he had produced the documents along with the OA to support his contention that his date of birth is 1-7-1937 and that the respondents have not disputed the said document.

11. After entering into service the applicant appears to have made a representation expressing doubt about his date of birth as 6.7.1939. Then the respondent authorities verified the records and confirmed that his date of birth is 4.7.1934. Thereafter the applicant appears to have made no representation to the concerned authorities for alteration of his date of birth.

12. The applicant approached this Tribunal on 25.6.99 just few days earlier to his attaining the age of 65 years.

13. Considering the above submissions the applicant has not disputed the attestation form submitted in the year 1966. The learned counsel submitted that the attestation form dated 16.2.66 was submitted nearly 12 years after his entry into service. The respondent should have produced the relevant records of the year 1954 when the applicant joined the ED A service. It is not his case that he had submitted the attestation form or relevant documents at the time of his joining the service in 1954. The respondents only to show that the applicant himself had furnished the date of birth as 4.7.1934, have relied on it. Hence the contention of the applicant is rejected.

14. Further the respondents in the reply stated that the applicant had earlier submitted a representation in the year 1980 stating that he entertained doubt about the date of birth and that the date of birth was 6.9.1939. Then the respondents

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informed the applicant as per Annexure R-5 that his date of entry into service was 1954 and that his date of birth as entered in the records was 4.7.1934. The Exhibit R-5 is dated 29.7.1980.


15. After receipt of this letter (Annex.R-5) the applicant has not submitted any representation to the respondent authorities disputing ~~that~~ his date of birth entered in the records was not correct and that his date of birth was either 6.7.1939 or 1.7.1937. Even till he attained the age of 65 years the applicant had not submitted any representation to the respondent authorities that his correct date of birth was 1-7-1937. It is only after more than a decade that the applicant has come with the version that his date of birth is 1-7-1937. Earlier in the 1980s he took the stand that his date of birth was 6-7-1939.

16. The applicant has not disputed the reply dated 29.7.1980 which is at Annexure R-5. The applicant has not filed any rejoinder to the reply. On the last date of hearing the learned counsel for the applicant submitted that he would argue the matter on the basis of the records produced by the respondents.

17. Hence from the material available on the record I am convinced that the date of birth of the applicant is 4-7-1934 and that the respondent No.2 has rightly passed the order to discharge him from service with effect from 3.7.1999 on attaining the age of 65 years.

18. The OA is dismissed. No order as to costs.

Member (Judl)


(B.S. Jai Parameshwar)
29.11.99

Dated:- 29 November,99
Dictated in Open Court


Jme

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

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6/10/20/12/99
IST AND IIND COURT

COPY TO.

1. HDHND

2. HRRN M (ADMN)

3. HGSJP.M. (JUDL)

4. D.R. (ADMN)

5. SPARE

6. ADV CATE

7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE OH. NASIR
VICE-CH. JUDGE

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 29/11/99

MA/RA/CP. NO.

IN
CA. NO. 941199

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

15 DEC 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH