IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH JAIPUR.

T.A.No.367/92 Dt. of order: 3.8.93

Radhey Shyam : Applicant

Vs.

Union of India & Ors. : Respondents

Mr.S.R.Chourasya : Counsel for applicant

None present on behalf of respondents.

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Hon'ble Mr.Justice D.L.Mehta, Vice Chairman

Hon'ble Mr.P.P.Srivastava, Member (Adm.).

PER HON'BLE MR.JUSTICE D.L.MEHTA, VICE CHAIRMAN.

Late Shri Bhanwar Lal, was appointed on 25.9.1946 and was promoted on 1.4.'76 as Sr.Garden Attendant in the scale of Rs.200-250 and his pay was fixed at Rs.234/- p.m. w.e.f. 1.4.1976. The applicant retired on 31.1.1978. The contention of the applicant is that originally there was a mistake in the entry of his date of birth which was corrected subsequently and recorded as 2.3.1918 as his date of birth. For this very reason he was allowed to continue to work upto 1978 and he attained the age of superannuation after completing 60 years of age. The case of the respondents revealed from the record is that initially the date of birth was recorded as 1914 and he was to retire from service some time in the year 1974. Whatever may be the controversy about the date of birth it has become immaterial particularly when the person has been allowed to work upto 1978 and has been retired after completion of the age of 60 years taking into consideration the date of birth as 2.3.1918. The respondents cannot agitate the matter after retirement of the applicant. Applicant Bhanwar Lal was entitled for his life time to get all pensionary benefits including the pension, gratuity, DCRG, Leave Encashment, etc. treating that he has been retired on the correct date without entering into any controversy.

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Advocate

2. In view of the above, we direct the respondents to treat the date of birth of the applicant as 2[illegible].3.1918 and his date of retirement should be considered as the date on which he has been retired by the respondents i.e. on 31.3.1978. The respondents are further directed to calculate the amount which is payable to the applicant on account of the difference, within 3 months from today. In case the respondents failed to make the payment within 3 months, they will be liable to pay interest at the rate of 15% per annum on the outstanding payment. As far as DCRG is concerned, he is entitled for interest at the prescribed rate ~~[illegible]~~ per annum upto the date of payment. The T.A. is disposed of accordingly. There shall be no order as to costs.

(P.P.Srivastava)
Member(A)

(D.L.Mehta)
Vice Chairman.

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