

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ 77/2007
O.A/T.A No.....
R.A/C.P No.....
E.P/M.A No.....

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3. Judgment & Order dtd..... Received from H.C/Supreme Court

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SECTION OFFICER (Judl.)

[Signature]
26/9/17

111
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 77/07
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Syed Chand Mohammad vs Union of India & Ors
Ali

Advocate for the Applicant(s) Mr. A.K. Roy, M.H. Chaudhury

Mr. M. Ghosh, Mr. T. Das
Mrs. M. L. Ahmed

Advocate for the Respondent(s) MCA&L M. L. Ahmed

Notes of the Registry	Date	Order of the Tribunal
I. The application is in form is filed/C. P. for Rs. 50/- deposited vide IPO/BD No. 346652262	26.3.2007	Present: The Hon'ble Mr.K.V.Sachidanandan Vice-Chairman.
Dated 20.3.07.		I. The Applicant contends that his date of birth is 25.11.1948 and in that event he has to retire on March, 2008. But however, in Annexure-C another correspondence made by the Superintendent of Post Offices, Tinsukia Division states as under:-
Petitioners copy for issue notices are received.	20/3/07	II) The family declaration (Form-3) as given by the official reveals that the official has furnished his date of birth as on 01-08-1947. If this date is taken into account then the official will go on retirement w.e.f 31.07.2007."

But against this fact vide impugned order at Annexure-B Applicant was made to retire on 28.02.2007. It appears to be not correct from their own record produced by the Applicant.

Contd...

OA. 77/2007

Contd.

26.3.2007

Heard Mr.A.K.Roy, learned counsel for the Applicant. Mr.M.U.Ahmed, learned Addl. C.G.S.C. seeks for time to get instruction. Since the matter is very urgent he is directed to obtain instruction within 15 days time.

Ans 28/3/07
Post on 11.04.2007. Copy of the order shall be furnished to the counsel for the Respondents.

order dt. 26/3/07 duly

Served.

28/3/07

/bb/

Vice-Chairman

10.05.2007

Mr. A. K. Roy, learned counsel for the Applicant is present. Mr.M.U.Ahmed, learned Addl. C.G.S.C. requests for further time to file reply statement.

Considering the urgency of the matter three weeks' more time only is granted to the Respondents. It is made clear that Respondents have to file reply statement by that time.

Post on 07.06.2007.

*No W.B has been
filed.*

*3
7.6.07.*

/bb/

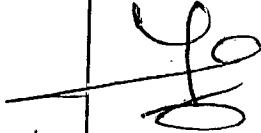
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p><u>12-6-07</u> W.S has been filed on behalf of the respondents. 1 to 3.</p>	07.06.2007	<p>Mr.M.U.Ahmed, learned Addl.C.G.S.C. submitted that reply statement is being filed today. Let it be brought on record if it is otherwise in order. Copy the same is furnished to the counsel for the Applicant.</p> <p>Post the case on 26.6.2007. In the meantime Applicant is at liberty to file rejoinder, if any.</p> <p>✓</p>
<p><u>No rejoinder filed.</u></p> <p><i>Dy</i> <i>25-6-07.</i></p>	/bb/	<p>Vice-Chairman</p>
<p><u>27-6-07</u> Rejoinder filed by the Applicant. page 1 to 8. (copy) served.</p> <p><i>Im</i></p> <p><i>Par</i></p>	26.6.07	<p>Counsel for the respondents wanted time to take instructions for rejoinder. Let it be done. Post the matter on 16.7.07.</p> <p>✓</p>
<p><u>W.S and rejoinder filed by the parties.</u></p> <p><i>13.07.07</i></p>	17.7.2007	<p>Post the matter on 10.8.2007 for hearing. In the meantime Respondents' counsel may take instruction on the rejoinder filed by the Applicant.</p> <p>✓</p>
<p><u>W.S and rejoinder filed.</u></p> <p><i>21.9.07</i></p>	/bb/	<p>Vice-Chairman</p> <p>✓</p>

O.A. 77/07

24.9.07

Call on 26.9.07


Vice-Chairman

26.9.2007

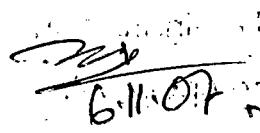
A prayer has been made on behalf of Mr.A.K.Roy, learned counsel for the Applicant, seeking an adjournment of the hearing of the case. Mr.M.U.Ahmed, learned Addl. Standing Counsel for Central Government also seeks an adjournment to file reply to the rejoinder.

Call the matter on 07.11.2007 for hearing. Reply to the rejoinder, if any, may be filed well before that date.


(Khushiram)
Member (A)

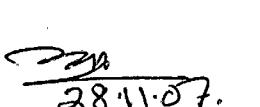

(M.R. Mohanty)
Vice-Chairman

Rejoinder neet filed. /bb/


07.11.2007

At the request made by Mr.M.U.Ahmed, learned Addl. C.G.S.C. the case is posted on 29.11.2007.

Rejoinder not filed.

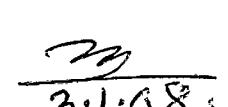

28.11.07.

/bb/

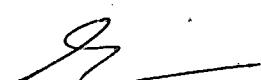
29.11.2007

On the request of Ms.M.Ghosh, learned counsel for the Applicant, the matter is adjourned and listed on 04.01.2008.

Rejoinder filed
by the applicant.


3.1.08.

/bb/


(Khushiram)
Member (A)

— 5 —
OAT-77/07

04.01.2008 None appears for the Applicant nor

4-1-08

The counsel of the applicant
filed Withdrawal memo to
withdraw the OA at Stage A.
b/

the Applicant is present. A memorandum
has been filed on behalf of the Applicant
not to press this O.A.

Mr. M.U. Ahmed, learned Addl.
Standing Counsel for the Union of India is
in accommodation today.

Call this matter on 08.01.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

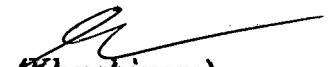
nkm

7-1-2008

Addl. wks filed
by the respondent
No. 3.

08.01.2008 None appears for the Applicant nor
the Applicant is present. Mr. M.U. Ahmed,
learned Addl. Standing Counsel for the
Union of India is present.

For the reasons recorded separately,
the O.A. is dismissed.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

nkm

18.3.08
Judgment issued
vide DNs 196
to 200 dt 17.1.08



8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.77 of 2007

DATE OF DECISION: 08.01.2008

Syed Chand Mohummad Ali

....APPLICANT(S)

Mr A.K. Roy, Mr M.H. Choudhury,
Ms M. Ghosh & Ms T. Das

ADVOCATE(S) FOR THE
APPLICANT(S)

- versus -

Union of India & Ors.

.....RESPONDENT(S)

Mr M.U. Ahmed, Addl. C.G.S.C.

ADVOCATE(S) FOR THE
RESPONDENT(S)

CORAM:

The Hon'ble Mr. M.R. Mohanty, Vice-Chairman

The Hon'ble Mr Khushiram, Administrative Member

1. Whether reporters of local newspapers
may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest
Being compiled at Jodhpur Bench and other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy
of the Judgment? Yes/No

Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.77 of 2007

Date of Order: This the 8th day of January 2008

The Hon'ble Shri M.R. Mohanty, Vice-Chairman

The Hon'ble Shri Khusiram, Administrative Member

Syed Chand Mohummad Ali
S/o Late Monsur Ali,
Village & P.O.- Kalaigaon,
District - Darrang (Assam).

..... Applicant

By Advocates Mr A.K. Roy, Mr M.H. Choudhury,
Ms M. Ghosh and Ms T. Das.

- versus -

1. Union of India, represented by the
Secretary,
Ministry of Posts & Telegraph,
Government of India, New Delhi.

2. Postmaster General,
Dibrugarh Region, Dibrugarh.

3. Superintendent of Post Offices,
Tinsukia Division, Tinsukia.

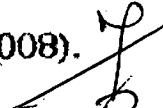
..... Respondents

By Advocate Mr M.U. Ahmed, Addl. C.G.S.C.

.....

ORDER (ORAL)

MANORANJAN MOHANTY (VICE-CHAIRMAN)

None appears for the Applicant, nor the Applicant is present. None also appeared for the Applicant nor the Applicant was present on the last date of hearing (04.01.2008). 

2. Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India (appearing for the Respondents) is, however, present.

3. The Respondents have filed an additional written statement in this case; a copy of which is stated to have been already served on the Counsel for the Applicant. On behalf of the Applicant, a memorandum has also been filed seeking permission to withdraw the case, but nobody is present to press the said memorandum with prayer for withdrawal.

4. In the aforesaid premises this O.A. is dismissed for non-prosecution/default.

5. Send ~~copy~~^{Copy} of this order to the Applicant and to the Respondents in the addresses given in the O.A. A free copy of this order be given to Mr M.U. Ahmed, learned Addl. Standing Counsel for the Union of India.

Khushiram
(KHUSHIRAM)
ADMINISTRATIVE MEMBER

Mohanty
08/01/08
(M. R. MOHANTY)
VICE-CHAIRMAN

nkm

20 MAR 2007

गुवाहाटी न्यायालय
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI
(An application under Section 19 of the Administrative
Tribunal Act 1985)

Original Application No. 77 /2007
Syed Chand Mohammad Ali

..... Applicant

- VERSUS -

Union of India & ors.

..... Respondents.

LIST OF DATES.LS1

<u>DATES</u>	<u>PARTICULARS</u>	<u>PARA</u>	<u>ANN</u>	<u>PAGE</u>
25.11.1948	-Date of birth as per certificate of Board of Board of Secondary Education and certificate of Headmaster of School and the same is recorded in the first page of Service Book.	4(i) & series	A	13 & 14
22.06.1966	-Date of entry in the service as clerk under Respondents.	4(i)		
28.12.2006	-Letter of Respondent No.3 directing to submit age proof certificate.	4(iv)	C	16
26.2.2007	-Respondent No.3 verbally asked applicant to submit pension papers on which he refused on ground that his date of retirement is on 30.11.2008.	4(vi)		
27.2.2007	-Representation of the applicant informing that he will submit pension papers before six months of his retirement date.	4(vi)	D	17
28.2.2007	-Impugned letter of the respondent No.3 whereby applicant has been given retirement in the afternoon of 28.2.2007 without considering him representation dated 27.2.2007 and without any reason whatsoever.	4(iii)	B	15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI
(An application under Section 19 of the Administrative
Tribunal Act 1985)

Original Application No. 77 /2007

Syed Chand Mohummad Ali

..... Applicant

- VERSUS -

Union of India & ors.

..... Respondents.

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3.	Annexure - A series	13 & 14
4.	Annexure - B	15
5.	Annexure - C	16
6.	Annexure - D	17

For use in the office: -

Signature : -

Date : -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI
(An application under Section 19 of the Administrative
Tribunal Act 1985)

Original Application No. 77... /2007

Syed Chand Mohammad Ali
Filed by the applicant
through Namata Ghosh
Advocate
20.3.07.

- BETWEEN -

Syed Chand Mohammad Ali
S/o Late Monsur Ali
Vill & P.O. - Kalaigaon
District - Darrang (Assam)

..... Applicant.

- AND -

1. Union of India, represented by the
Secretary, Ministry of Posts & Telegraph,
Government of India, New Delhi.

2. Postmaster General,
Dibrugarh Region, Dibrugarh.

3. Superintendent of Post Offices,
Tinsukia Division, Tinsukia.

..... Respondents.

1. PARTICULARS OF ORDER(S) AGAINST WHICH THIS APPLICATION IS DIRECTED

This application is directed against letter dated 28.2.2007 issued by the Superintendent of Post Offices, Tinsukia Division which has stately been issued on the basis of letter No.AP/RP/3-190/2007 dated 28.2.2007 and thereby asked the petitioner to retire in the after noon of 28.2.2007.

2. JURISDICTION: -

That the applicant declares that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION: -

That the applicant also declares that the present application is within the limitation period as has been prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACT OF THE CASE: -

(i) That the applicant was initially appointed as Clerk w.e.f. 22.6.1966 under the respondent authority and subsequently promoted to Postmaster in which capacity he worked till 28.2.2007. Be it stated here that at the time of his entry in the service he submitted his age proof certificate e.g. Certificate dated 10.8.65 issued by the Headmaster of the School as well as the certificate of the Board of Secondary Education, Assam. In both the

Annex

certificates his age was written 15 years, 3 months, 7 days as on 01.03.1964.

Copies of the Certificates are annexed herewith as ANNEXURE - A series.

(ii) That the applicant states that as per the aforesaid certificates his date of birth stands 25.11.1948. In the Service Book, the same was entered and the same was not a concealed fact and on that basis he was given appointment by the authority without any hesitation.

(iii) That the applicant states that on the basis of the said date of birth, he is required to retire at the age of 60 years i.e. on 30.11.2008. But the respondent No.3 all of a sudden issued one letter No.B-2/S.Ali dated 28.2.2007 which has allegedly been issued as per order of the Postmaster General, Dibrugarh Region vide letter No.AP/RP/3-190/2007 dated 28.2.2007 and thereby informed the applicant to retire in the afternoon of 28.2.2007. The said letter has been served on the applicant at above 11:30 a.m. of 28.2.2007..lm20

Copy of the letter No.B-2/S.Ali dated 28.2.2007 is annexed herewith as ANNEXURE-B

(iv) That the applicant states that in the month of January 2007, he received one letter dated 28.12.2006 issued by the Respondent No.3 to the Superintendent of



Post offices, Darrang Divisor, copy of which was also served to the applicant asking to submit age proof certificate to ascertain the exact date of superannuation.

Copy of the said letter dated 28.12.2006 is annexed herewith as ANNEXURE- C.

(v) That as per the direction of the letter dated 28.11.2006, the applicant submitted his original certificates to the said Respondent No.3 without any doubt, so that the authority may ascertain the date of superannuation.

(vi) That the applicant states that on 26.2.2007, the applicant, through telephone, was asked to submit pension papers. But as the applicant enquire about the reason for the same, no reply was given to him. It is pertinent to mention that as per the date of birth of the authentic certificate the date of superannuation is on 30.11.2008. As the authority did not reply his enquiry, he submitted one representation dated 27.2.2007 to the Respondent No.3, denying to submit his pension papers so early. In the said representation, he clearly stated about the date of his retirement.

Copy of the said representation dated 27.2.2007 is annexed herewith as ANNEXURE- D.



(vii) That the applicant states that in spite of his said representation dated 27.2.2007 (ANNEXURE-B) the Respondents issued the impugned letter dated 28.2.2007 without showing any reason for the same and without giving any scope of handing over the charge to any other person.

(viii) That the applicant states that from letter 28.12.2006 (ANNEXURE-C), it also reveals that there was some wrong entry in family declaration (Form-3) about his date of birth. But as the same is not supported by any authentic certificate, the same should be ignored and corrected on the basis of initial entry as was made in the first page of Service Book which was entered as per the School Certificate as well as the certificate of Board of Secondary Education. He also states that any other wrong entry in any other document like gradation list etc. if so made, the same was made by the respondents themselves and not by the applicant.

(ix) That the applicant states that it is fact that if 25.11.1948 which is correct date of birth and supported by authentic certificates, then his age at the time of entry in the service stands as 17 years 6 months 27 days i.e. before 5 months 3 days of completion of 18 years. But the same is not fault of the applicant in as much as he submitted his documents to the authorities and it is the duty of the authority to reject the same due to the less than minimum age. Hence, burden can not be shirk off and

Amrit

applicant should not be punished. It is also stated that even if the said 5 months 3 day is deducted then also applicant's date of retirement stands in the month of June 2008.

(x) That the applicant states that during his long period of service, he was never shown and/or served any gradation list. Had the same was served to him he could have noticed his date of birth if the same was wrongly entered in the same and could have requested the authority for correction of the same.

(xi) That being aggrieved with the impugned letter dated 28.2.2007 (ANNEXURE-B), the applicant approach this Hon'ble Tribunal on the following ground.

5. GROUNDs: -

(i) For that the respondents should count the date of birth on the basis of the authentic documents i.e. School Certificate and certificate issued by the Board of Secondary Education and if the same is taken into consideration, the date of superannuation stands on 30.11.2008 and not/ 28.2.2007.

(ii) For that as the first page of the Service Book makes it clear that the applicant has given his correct date of birth which is based on the basis of authentic certificate, and accordingly he was appointed, the

Amrit

respondents should not shirk off their responsibility of the mistake done by them.

(iii) For that there is no basis for which the applicant has been given retirement on 28.2.2007 in as much as the same is not supported by any document whatsoever.

(iv) For that the action of the respondents is illegal, arbitrary and whimsical and hence is liable to be set aside and quashed.

(v) For that as the applicant has not suppressed his correct age at the time of entry into service as is clear from the first page of the Service Book which has been depicted in the letter dated 28.12.2006, and in spite of the same as the respondents allowed him to join in the service, they can not deprive him due benefit for their own fault.

(vi) For that the action of the respondents is against all canons of law and natural justice.

(vii) For that the action of the respondents is against the fair play of administration of justice and is liable to be quashed.

(viii) For that the action of the respondents is violative of Fundamental Rights of the applicant as has been

Carries

guaranteed under Article 14, 16 and 21 of the Constitution of India.

6. DETAIL OF REMEDIES EXHAUSTED: -

The applicant states that he has availed all the remedies as stated in paragraphs 4 of the application but failed to get justice and hence there is no other alternative remedy available to him other than to approach this Hon'ble Tribunal by filing this application.

7. MATTER NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT: -

The applicant further declares that he has not filed any application or writ petition or suit regarding this matter before any court or any other bench of this Hon'ble Tribunal or any such petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR: -

Under the fact and circumstances stated above the applicant prays for the following reliefs: -

- (i) To set aside and quash the order under letter No.B-2/S.Ali dated 28.2.2007 (ANNEXURE-B) alongwith the order issued by the Postmaster General, Dibrugarh Region vide letter No.AP/RP/3-190/2007 dated 28.2.2007.
- (ii) To direct the respondents to count the date of

Amrit

retirement holding the date of birth as 25.11.1948 which is based as per the certificate issued by the Board of Secondary Education.)

(iii) To pass any other order or orders as your Lordships may deem fit and proper.

(iv) Cost of application.

9. INTERIM RELIEF PRAYED FOR: -

Under the fact and circumstances stated above, your Lordships may be pleased to pass necessary order staying the impugned order under letter No.B-2/S.Ali dated 28.02.2007 and direct the respondents to allow to continue his service till 30.11.2008.

10.

11. PARTICULARS OF I.P.O.: -

- (i) I.P.O. No. : - 34 Gr 652262
- (ii) Date of issue : - 20.03.2007.
- (ii) Payable at : -' Guwahati

12. LIST OF ENCLOSURES: -

As stated in Index



- :12: -

VERIFICATION

I, Syed Chand Mahumad Ali, son of Late Monsur Ali, aged about 58 years, resident of village & P.O. - Kalaigaon, Dist - Darrang (Assam) do hereby verify that the statements made in paragraphs 1 to 12 of the application are true to my personal knowledge and the submissions made therein, I believe the same to be true as per legal advice and I have not suppressed any material fact of the case.

And I sign this verification on this the 19 th day of March, 2007 at Guwahati.

Date :- 19.03.2007

Syed Chand Mahumad Ali
SIGNATURE

Place :- Guwahati

Guwahati

228

Certified that Syed Chamulnabi son of Syed P. T. Hussain
Ali, an inhabitant of Vill. Kharikat, Mauza Modeltola
left the Changsari H.E. School on 1.3.64
49. His age at that date according to the Admission Register
was 15 (fifteen) years 3 (three) months 7 (seven) days. He was reading in class
X (ten) and had passed the H.S.L. Certificate Examination
Class of 1964

All sums due by him have been paid; viz., fees up to 31.3.64 (date)

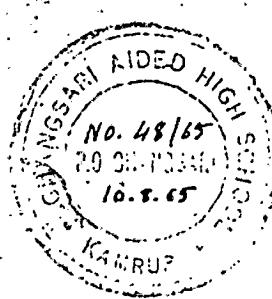
Fines X

Character Good

Reasons for leaving

[i] Unavoidable change of residence
 [ii] Ill health
 [iii] Completion of the school course.
 [iv] Minor reasons.

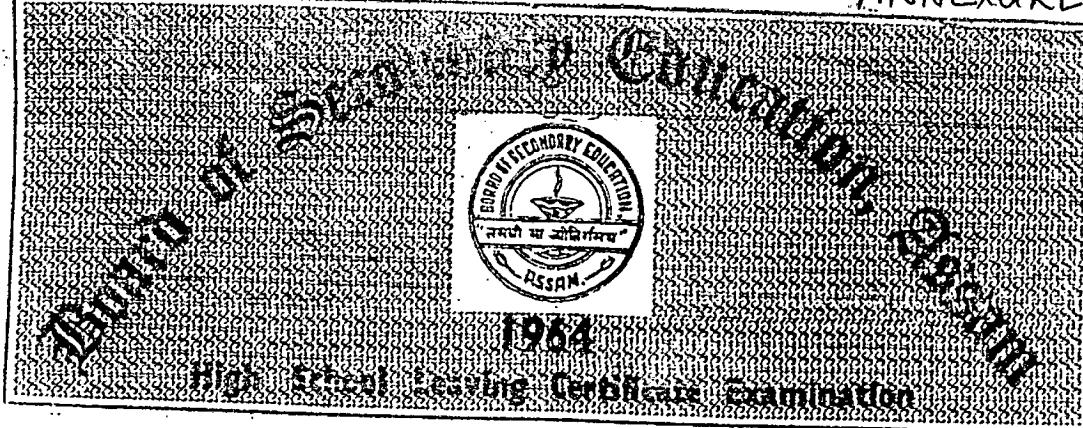
Date 10.8.1965


Headmaster, Headmaster,
Changsari H. E. School

Kamrup District.

Attested by
A. H. Hash
Advocate.

7721



I Certify that Chandmahammad Ali
Roll No. 448, aged 15 years 3 months 7 days
on the First of March, 1964, duly passed the High School Leaving
Certificate Examination 1964 of this Board and was placed in
Third Division

GAUHATI, ASSAM

The 15th June 1964

D. Gogoi
SECRETARY

Attested by
F. Shah
Advocate.

DEPARTMENT OF POSTS-INDIA
OFFICE OF THE SUPDT. OF POST OFFICES
TINSUKIA DIV. TINSUKIA

To
✓ Syed Chand Md. Ali
Postmaster, Tinsukia Ho

No :- B-2/ S. Ali

..... Dated at Tinsukia the 28.02.2007

Sub :- Retirement

You are hereby informed that you are to retire in the after noon of 28.02.2007 as ordered by the Postmaster General, Dibrugarh Region, Dibrugarh vide letter No. AP/ RP/ 3-190/ 2007 dt'd 28.02.2007.



SUPDT. OF POST OFFICES
TINSUKIA DIV. TINSUKIA

Copy to :-

The Postmaster, Tinsukia HO.

Sd/-
SUPDT. OF POST OFFICES
TINSUKIA DIV. TINSUKIA

Dated 28th
28-11-1948
Attested by
Shah
Advocate

DEPARTMENT OF POSTS: INDIA.
OFFICE OF THE SUPERINTENDENT OF POST OFFICES
TINSUKIA DIVISION, TINSUKIA

To,
The Supt. Of Post Offices,
Darrang Division,
Tezpur.

No:-C-1/Pen/Misc/Corr/06-07

Dated at Tinsukia, the 28-12-06.

Sub:-Verification of correctness of entries in the Service Book : Case of Syed Chand
Mahummod Ali, Postmaster, Tinsukia HPO.

It is to intimate that Syed Chand Mohummod Ali, the then SPM/Chariali MDG is
now holding the charge of Postmaster/ Tinsukia HO w.e.f 15-06-2006.

On scrutiny the Service Book, the following irregularities are noticed. You are
therefore requested kindly to look into the matter personally and cause to send the
Personal File of the official at the earliest so that the correctness of the following entries
in the Service Book can be verified.

I) In the first page of the Service Book, the date of birth of the official is written as
25-11-1948. The date of entry in the department is on 22-06-1966. As such, the official
entered into the Service at the age of 17 years 6 months 27 days, i.e. before completion of
18 years. How it is happened.

II) The family declaration (Form-3) as given by the official reveals that the official
has furnished his date of birth as on 01-08-1947. If this date is taken into account then
the official will go on retirement w.e.f 31-07-2007.

III) Age proof birth certificate of the official is not found available at this end.

Enc:- Two copies of Family Declaration,
Total page of 6/Book.

5d
Supdt. of Post Offices,

Tinsukia Division, Tinsukia-786125

Copy to:- Syed Chand Mahummod Ali, Postmaster, Tinsukia HPO (now on leave) Vill-
PO-Kalaigaon, Dist-Darrang (B.T.A.D), Pin-784525 for information. He is requested
kindly to submit the age proof birth certificate to this office to ascertain the exact date of
superannuation.

Attested
Abhosh
Advocate.


Supt. of Post Offices,
TINSUKIA DIVISION
Superintendent of Post Offices
Post Master General, Tinsukia
Tinsukia Division, Tinsukia-786125

To

The Superintendent of Post offices
Tinsukia Division, Tinsukia.

Sub: - Regarding non filling-up and signing the pension
papers at present.

Sir,

I have the honour to state that the Inspector of Post offices Tinsukia Sub Division has contacted with me to fill-up and signing the pension papers. But as my retirement on superannuation is on 30.11.2008. So, I will not fill-up and sign the pension papers on or before six months from the date of my retirement on superannuation on 30.11.2008. Therefore I have denied to fill-up or signing pension papers now.

Yours faithfully,

Date - 27.2.07

Sd/-
Syed Chand Md. Ali
Post Master,
Tinsukia, H.P.O.

*Attested by
Abbas*

Central Administrative Tribunal

12 JUN 2007

গুৱাহাটী ব্যায়পাই
Guwahati Bench

h/m
Jitul Borg
Superintendent of Post Office
Post Office Tinsukia, Tinsukia
Tinsukia Division, Tinsukia-783129
M/s M.V. Ahmed Case File No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

OA NO 77/2007
Syed Chand Mohammad Ali
... Applicant
-Versus-
Union of India & Others
... Respondents

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No 1 to 3

WRITTEN STATEMENT :-

The humble answering respondents submitted their written statement as follows :-

(a) That I am Superintendent of Post Offices Tinsukia Division, Tinsukia and respondent No 3 in the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both facts and in law.

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

(d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.

Chand Ram

(e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2) That with regard to the statement made in paragraph 1 to 3 of the OA, the respondents do not offer any comment.

3) That with regard to the statement made in paragraph 4(i) of the OA, the answering respondents beg to submit that it is fact that Syed Chand Mohammed Ali, the applicant was appointed as P.O. Clerk w.e.f. 22.06.1966 and subsequently promoted to Postmaster. While applying for the Post of P.O. Clerk, the applicant in his application for recruitment to the cadre of P.O. clerk dated 10.07.1965 (Annexure II) had mentioned his date of birth as 07.03.1946 and in support of which the applicant had submitted an attested copy of school certificate dtd 20.06.1964 issued by Headmaster, Changsari High School (Annexure- I).²¹⁽⁴⁾ Accordingly to this School certificate his age is 18 years 03 months 07 days as on 01.03.1964 and thus his date of birth comes to 24.11.1945. Though the age on the School certificate dtd 10.08.1965 (Annexure A1 of the OA) stated to be issued by the Headmaster of the School and the certificate issued by the Board of Secondary Education, Assam (Annexure A2) of the OA are same but these certificates were not submitted at the time of recruitment. This may be evident from the date of submission of the application and the date of the school certificate produced by the applicant vide Annexure A1 of the OA referred to above. The certificate produced as Annexure-A1 was collected by the applicant later than submission of the application for recruitment. So the statement made in this part is not true and an attempt to suppress the fact.

According to the certificate as stated in the OA and produced as Annexure A1 and A2, his date of birth comes to 25.11.1948 and he becomes ineligible for appointment with reference to his date of appointment since he did not complete 18 years of age. The minimum age for appointment in Govt. service is 18 years.

4 That with regard to the statement made in paragraph 4(ii) of the OA, the answering respondents while denying the contentions made therein beg to submit that the applicant secured the appointment by producing attested copy of School Certificate (Annexure I).²¹⁽⁴⁾ This certificate is not identical with the certificate produced by the applicant now as annexure A1. Had he submitted the certificate referred to as Annexure A1 he would not have got the appointment due to underage. The applicant might have submitted the certificates mentioned as Annexure A1 and A2 of the OA, subsequently at the time of writing the Service Book by the Postmaster, Mongoldoi H.O. the

Original Copy

applicant had submitted his original certificate issued by the Board of Secondary Education, Assam and accordingly the date of birth was calculated and entered as 25.11.1948. In this stage also the applicant managed to record his date of birth 3 years less than the School Certificate date 20.06.1964 (Annexure-I) that he had produced to the appointing authority at the time of recruitment as P.O. Clerk. So, during writing of the Service Book, the applicant concealed the fact that he, at the time of appointment had submitted a School Certificate (Annexure-I) to the appointing authority in support of his age from which his date of birth is 24.11.1945.

- 5) That with regard to the statement made in paragraph 4 (iii) of the OA, the answering respondents while denying all allegations made therein beg to submit that on the basis of the date of birth as per the attested copy of School Certificate dated 20.06.1964 (Annexure I) the applicant was due to retire on 30.11.2005. So, when the case is detected he was ordered to be retired on 28.02.2007 as had already crossed the age of 60 years.
- 6) That with regard to the statement made in paragraph 4(iv) of the OA, the respondents beg to submit that on detection of anomaly in his date of birth the applicant was asked to submit age proof certificate.
- 7) That with regard to the statement made in paragraph 4(v) of the OA, the answering respondents while reiterating and reaffirming the statement made above beg to submit that on verification of the certificate issued by the Board of Secondary Education (Annexure (iii) dated 15.06.1964 on 10.02.2007 it was noticed that the age mentioned in it did not tally with the attested copy of the School certificate dtd 20.06.1964 issued by the Headmaster, Changsari High School(Annexure I) which was submitted at the time of recruitment by the applicant. There is a difference of 3 years of age in between these certificates. It appears that the applicant had concealed his actual age for getting himself appointed below 18 years of age. As per actual age of the applicant as claimed and submitted subsequently and produced as Annexure -III, the applicant was not eligible for appointment in the Govt. service since he was below 18 years of age.
- 8) That with regard to the statement in paragraphs 4(vi) of the OA, the answering respondent beg to submit that it is only when detected that he had already crossed 60 years of age on 24.11.2005 as per school certificate dated 20.06.1964(Annexure I) he was asked to retire on 28.02.2007. He was never asked to submit pension papers before his retirement on 28/2/2007. The assertion made by the applicant in connection with submission of pension paper is not true. Though the date of superannuation as per stated authentic certificate (Certificate issued by the SEBA) is 30.11.2008, the official did never produced this certificate to the appointing authority and concealed his actual age for getting the appointment before completion of 18 years of age. In fact the applicant had

JULY 2009
JULY 2009

submitted an attested copy of the School Certificate dated 20.06.1964 (Annexure I) to the appointing authority by which he was to retire on superannuation on 30.11.2005. By the time the case is detected during Dec/2006 the applicant had already crossed 60 years of age (as per School Certificate dated 20.06.1964) submitted at the time of appointment). So he was asked to retire immediately on 28.2.2007, pending further action as deem fit.

9) That with regard to the statement made in paragraph 4 (vii) of the OA, the answering respondents while denying the contentions made therein beg to submit that the representation of the applicant dated 27.02.2007 was never received at this office. The applicant had proceeded on superannuation, duly handing over charge to Shri Maniram Mili, Ofticiating Postmaster, Tinsukia HPO.

10) That with regard to the statement made in paragraph 4(viii) of the OA , the answering respondents while denying the contentions made therein beg to submit that the assertion made by the applicant that the wrong entry about his date of birth in family declaration (Form-3) made by him should be ignored as it is not supported by any authentic certificate, is not correct , as one should know his own date of birth and should put it correctly in all documents submitted to the authority. Even, then , his date of birth as mentioned in the family declaration (Form-3)^(Amy-V) was not considered in this matter. His date of birth was admitted only on the basis of School Certificate dated 20.06.1964 (Annexure I) which was submitted at the time of his initial appointment. And his further submission that his date of birth should be corrected on the basis of entry as was made on the first page of service book which was entered as per School Certificate dated 10.08.1965 as well as the certificate of Board of Secondary Education cannot be admitted because he was appointed on the basis of the School Certificate dated 20.6.1964 (Annexure I)^(A) submitted along with the application for recruitment and this shall be the only basis for determination of his date of birth.

It was worth mentioning here that while calculating the date of birth reference to the attested copy of the School Certificate date 20.6.1964 (Annexure I)^(A) submitted at the time of recruitment by the applicant, the Recruiting Authority miscalculated it as 01.08.1945 instead of 24.11.1945. This miscalculation took place as the recruiting authority mistook 18 years 3 months 7 days as 18 years 7 months. This miscalculation was done on the basis of the School Certificate itself (Annexure I). This date of birth had find place in the gradation list (Annexure V). But while retiring the applicant, the date of birth as per School Certificate date 20.06.1964 (Annexure I)^(A) submitted at the time of recruitment was taken into account since he was appointed on the basis of this certificate.

11) That with regard to the statement made in paragraphs 4 (ix) of the OA, the answering respondents while denying the contentions made therein beg to submit that according to the

Jitendra Singh

School Certificate (Annexure I) ^{1(A)} submitted by the applicant at the time of his initial appointment, his age as on 01.03.1964 was 18 years 3 months and 7 days. This meant his date of birth was 24.11.1945. And according to this, he was appointed to the cadre of P.O. Clerk. Subsequent alteration of date of birth can be made only with the sanction of the Department subject to the condition that the date of birth so altered would not make him ineligible for entry into the Government service on the date of entry. In case the applicant's submission is admitted then he becomes ineligible for appointment. Applicant's date of retirement was therefore, determined as per the school certificate (Annexure I) ^{1(A)} submitted at the time of initial appointment.

12) That with regard to the statement made in paragraph 4 (x) of the OA, the respondents beg to submit that the applicant was free to see his service book at any point of time. It appears that the applicant saw his service book on 16.7.1973 and at that time he also saw the date of birth and date of entry. He maintained silent over the inaccuracy. It is very surprising that the applicant did not calculate his date of birth and his age as on date of entry in to the service.

13) That with regard to the statement made in paragraph 4(xi) of the OA, the respondents offer no comment.

14) That with regard to the statement made in paragraph 5(i) of the OA, the respondents counted the date of birth on basis of the documents submitted at the time of initial appointments. And as per the documents submitted at the time of initial appointment the date of superannuation stands on 30.11.2005. The documents submitted subsequently by the applicant appear not tallied with the documents submitted at the time of initial appointment and hence doubtful. Subsequent alteration of date of birth as demanded by the applicant would make him ineligible for entry into Government service on the date of appointment. Hence the date of superannuation on 30.11.2008 as claimed by the applicant can not be admitted.

15) That with regard to the statement made in paragraph 5 (ii) of the OA, the respondents deny the contentions made therein. The applicant was entered service as per the certificate (Annexure I) ^{2 (A)} submitted at the time of his initial entry. The certificates, which are now being claimed as authentic were not submitted at the time of initial entry. If the change of date of birth as per assertion made by the applicant is admitted, his very appointment became at stake, as he was not eligible to get Govt. service on the date of entry, as he was underage for the Govt. service at that point of time. The applicant submitted one set of certificates at the time of getting entry into service and different set of certificates at the time of first page entry in the service book and hence the applicant himself is responsible for the mistake. For that the respondents cannot be made responsible.

Initial brief

16) That with regard to the statement made in paragraph 5(iii) of the OA, the respondents beg to submit that the applicant was due to retire on 30.11.2005 as per the date of birth submitted at the time of initial entry. He was given retirement on 28.02.2007 as soon as the anomaly on date of birth was confirmed. The action for extended period of service from 01.12.2005 to 28.02.2007 is under process.

17) That with regard to the statement made in paragraph 5(iv) of the OA, the respondents beg to submit that the respondents took action following due procedure of law and cannot be termed as illegal, arbitrary and whimsical.

18) That with regard to the statement made in paragraph 5(v) of the OA, the respondents deny the contentions made therein. The applicant did suppress his correct date of birth, which may be evident from various records submitted by the applicant. He has shown his four different date of birth as shown below :

- i) 24.11.1945 : Attested copy of school certificate issued by the Head Master which produced along with the application form for recruitment to the cadre of PO Clerks.
- ii) 24.11.1948 : High School Leaving Certificate issued by the Board of Secondary Education , Assam, Guwahati based on this certificate his date of birth was corrected in service book.
- iii) 07.03.1946 : Application form for recruitment to PO Clerk. The date on this form was corrected as 01.08.1945 on the basis of School certificate submitted along with the form. There was a mistake in correction as the corrector misread 18 years 3 months 7 days as 18 years 7 months.
- iv) 01.08.1947 : Details of Family members (Form-3), as annex - V . Respondents, however, admitted his date of birth as 24.11.1945 according to attested copy of school certificate at the time of his initial appointment.

19) That with regard to the statement made in paragraph 5(vi) of the OA, the respondents deny the contentions made therein. The respondents followed the rules as discussed in paras stated above.

Chul Boro

20) That with regard to the statement made in paragraph 5(vii) of the OA, the respondents while denying the contentions made therein beg to submit that the respondents had acted in fair manner and administered natural justice in a fair manner as stated on paragraphs above.

21) That with regard to the statement made in paragraph 5(viii) of the OA, the respondents while denying the contentions made therein be to submit that the respondent's action never violative of Fundamental rights of the applicant. It is for the dishonest action on the part of the applicant that he took at the time of appointment by forging the age on the certificate; he entered into service before attaining the prescribed age of 18 years.

22) That with regard to the statement made in paragraph 6 and 7 of the OA, the respondents offer no comment.

23) That with regard to the statement made in paragraphs 8(i) and 8(ii) of the OA, the respondents beg to submit that under the facts stated in the foregoing paragraphs, the respondents pray before the Hon'ble Tribunal, the relief sought for by the applicant may be rejected.

24) That with regard to the statement made in paragraph 8(iii), 8(iv) and 9 of the OA, the respondent beg to offer no comment.

25) That in view of the statements made in the Written Statement, the Hon'ble Tribunal may be pleased to dismiss the OA with cost.

VERIFICATION.

I Shri Atul Bora, son of late Sonaram Bora aged about 57 years at present working as Superintendent of Post Offices , Tinsukia Division, Tinsukia who is one of the respondents and taking steps in this case, being duly authorized and competent to sign this verification for all respondents; do hereby solemnly affirm and state that the statement made in paragraph...4, 5, 6, 7, 9, 10, 11, 12, 13, 14 & 15..... are true to my knowledge and belief, those made in paragraph...3, 8 & 18..... being matter of records, are true to my information derived there from and the rest are my humble submission before this Humble Tribunal. I have not suppressed any material fact.

And I sign this verification this 6th day of June 2007 at...Cachar.


Atul Bora
DEPONENT
सुप्रींटेंडंट पोस्ट ऑफिस
Superintendent of Post Office
टिन्सुकिया गंडग, टिन्सुकिया
Tinsukia Division, Tinsukia-78612

-9-

Certified that Syed Chandmohammad Ali S/O Syed Mangur Ali of Village Kharikat, Mauza Madartola, P.S. Kamalpur is known to me. He was reading in Changsari High School and duly passed the School final Examination 1964, having placed in 3rd Division.

His age as per Admission Register is 18(Eighteen) years 3(Three) Months 7 (Seven) days on 1st of March, 1964. So far my knowledge is concerned he bears a good moral character.

I wish success in his life.

64-15-1
18-7-1
45-8

Sd/- R.K. Parua,
Headmaster,
Changsari High School.

Changsari High School,
20-6-64.

Attested

R. K. Parua
Block Development Officer and Secretary
Kamalpur Anchal Panchayat and
Development Board

Attested
Anandlal
25/6/64
Anandlal
Superintendent of Police Offices
Tinsukia Division, Tinsukia-786125

(12) 10
certified that Bycol Chandmohammad Ali son of

Bycol Nanwali Ali of Vill. Kharikot, Raigarh
Madardala, P.S. Rurnalpuri is known to

He was reading in Changrau H.C. School

and duly passed the school final

Examination 1964, having placed in 3rd

class, the age as per Adharan Register

is 10-13 (Eight years & 3 months) 7 (Seven) days

15th of March 1964 so far by his

Concerned he bears a good moral

Character.

(Lokram)

H.C. School

1/6/64

2175. Success in his Ex-

ams

20/6/64

allied
Anwali
S.D.O.

Asst. Superintendent of Police
Rajgirwa Bhawan, Raigarh
Tinsukia Division, Tinsukia

INDIAN POSTS AND TELEGRAPHS DEPARTMENT (STAFF 'A')

Office of the Postmaster-General Assam Circle, Shillong.

Application form for recruitment to the cadres of P. O. Clerks and R.M.S. Sorters.

Note :— 1. To be filled in the candidate's own handwriting and in English.

2. All answers must be given in words and not by dashes or dots.

3. No column should be left blank. If there are no particulars to be filled in, write the word 'NIL'.

4. Application complete in all respect together with BOTH the copies of the attached "ATTESTATION FORMS" duly filled in should be addressed to the Postmaster-General, Assam Circle, Shillong and can be submitted either direct or through the Employment Exchange.

5. Application with all the necessary documents either sent direct or through the Employment Exchange should reach the office of the Postmaster-General, Assam Circle, Shillong on or before 31.7.65.

IN
BLOCK
LETTERS

1. Name in full SYED CHAND MAJI ABDUL MAJID ALI
(State whether Kumari or
Shrimati if you are a woman
candidate).

2. Name of father/husband ... SYED MANSUR ALI

3. Postal address in full ... VILL KHARIKAT P.O. BAIKATA DT-
KAMRUP ASSAM.

4. Date of birth ...
(In Christian era as recorded
in the Matriculation or its
equivalent examination certifi-
cate). 7/3/16. ACCORDING TO MY
EDUCATIONAL CERTIFICATE

NOTE:— If you are applying for recruitment under any age concessions furnish attested copy of certificate etc., as proof.

5. Place of birth.	Kharikat.
District	Kamrup.
State or Territory	Assam.
6. Married or single	Single.
7. (a) If married, have you more than one wife living? (for males only).	NIL
(b) If married, did you marry a person already having a wife living? (for females only).	NIL
8. If a member of a Scheduled Caste or Scheduled Tribe, state:	

* DIVISIONAL EMPLOYMENT
RECORD NO. 10916
Date: 22-1-67
* GAUHATI

Scheduled Tribe, state : NIL
(a) Name of Caste (for Scheduled Castes only). NIL
(b) Name of Tribe (for Schedule Tribes only). NIL
allied tribes
tribes
OS 66
Add'l. Superintendent of Post Offices
Post Office No. 1, Tinsukia
Tinsukia Division, Tinsukia 786125 NIL

9. (a) Give below the particulars of your educational qualifications viz. Matriculation or equivalent examination in which you have passed and also other higher examinations passed, if any, with proof.

Name of the Examination	Year of passing the examination	Subject	Total marks in each subject	Marks obtained in each subject	Total marks obtained in each subject	Percentage of aggregate marks of each Exam.	Name of University or Board
High School leaving Certificate Examination	1964	1 English	300	133	437	43.7	Board of Secondary Education Assam
		2 Mathematics	100	56			
		3 Assamese	200	100			
		4 History	100	47.62			
		5 Geography	100	40			
		6 Persian	100	50			
		Additional Science	100	44.80	= 11		

(Note—Attach additional sheet if space found.)

(b) Name of the additional/additional optional subject taken in Matric or equivalent and higher Exams. separately for each Exam.

Science

10. (a) Give the name of the recruiting unit for which you are applying (in order of preference if you are applying for more than one Unit).

1. Tatyapuri

2. Dheuby

3. Shillong

(b) In case you are not selected for any of the units mentioned in (a) above, are you willing to serve in any other unit?

ny
ve,
re - Ye

11. Give particulars of games/sports in which took part or are taking part in International, events/National, events/ State Sports events/College/School events, etc., with proof.

1. The Peptic ulcer of Game of School events is accompanied with it.

12. State if you have ever been debarred from Government employment. If so, why?

511

13. Give below an itemised list of the copies of certificates or other documents accompanying this application

12

1. one copy of certificate of school leaving from the Head master getting from the Head master

2. A game certificate of the school elements at our game master. getting from the game master

3. A true copy of certificate of "prathama pariksha" getting from "Aham Rashtra Vacha prokhar Samiti".

4. One matriculation marksheet getting from the School Board.

5. one character and conduct certificate taking from S.D.C. getting from S.D.C.

6. one character and conduct certificate taking from B.D.O. getting from B.D.O.

7. When I find fit

Declaration to be signed by Candidate,

I, Syed Chand Mohammad Ali hereby declare that the statements in the application are true to the best of my knowledge and belief and that I possess original certificates which will be produced when demanded. If any information furnished herein is later on found to be false or incorrect, my selection, if made, will be null and void without prejudice to such further action as the P & T Department may decide to take against me for furnishing false or incorrect information.

I am a citizen of India by birth and/or domicile (Strike out the portion not applicable to you)

Note:— If you are not a citizen of India by birth and/or by domicile give details of your nationality.

Place. Kharikal-

Date. 10.7.65

Syed Chand mohammad Ali

Signature.

Recommendations of the Head of the Office in the case of a departmental candidate

10. Place

Date,

Signature of the Head of Office with designation

List of documents to be forwarded with the application:

1. Matriculation or equivalent examination certificate and certificate of other higher educational qualifications and evidence showing date of birth in Christian era if the same is not included in the Matriculation or equivalent examination certificate.
2. List of marks obtained in Matriculation and higher examinations issued by the University/Board concerned.
3. Certificate relating to character and conduct from the Head of the School, College or Institution where the candidate last studied in the following form:—

Certified that Shri Syed Chandanabhamimad Ali was a bonafide student of this
Changrauli H.S. School from 1960 to 1961.

To the best of my knowledge and belief he/she bears a good moral character.

Places

Date: 26

Mr. Superintendent of Schools, 902710
Superintendent of Schools, 902710
Treasurer, 786125
Treasurer, 786125

Signature of the Head of the School
College/Institution Master
CHANDIGARH HIGH SCHOOL

CHANGSARI HIGH SCH

Reheat
Received
by
Date
of issue: 16/06/1964
Addl. Superintendent of Govt. Offices
Post and Tel. Deptt., Assam
Tinsukia Division, Tinsukia-786125

7721

VIII



General Certificate of Education

I Certify that Chandmohammad Ali

Poll Card No. 448, aged 15 years 3 months 7 days

on the First of March, 1964, duly passed the High School Leaving

Certificate Examination 1964 of this Board and was placed in the

Third Division

GAUHATI, ASSAM

The 15th June, 1964

D. G. G.
SECRETARY

annexed
 record of
 66
 Ass'tt. Superintendent of Posts
 Ass'tt. Superintendent of Box Offices
 Thoubal Division, Thisukia-786123

Annexure X

1265	Shri. Surendra Nath Kanikar	Clerk, Jorhat	1.11.42	5.3.63	1.1.69	1.1.69
1266	" Rajani Kanta Saikia I	Clerk, P.O., Nowrang	1.3.43	7.3.63	1.1.69	1.1.69
1267	" Azizur Rahmán 'T'	SPM, Laharighat	1.6.43	22.5.63	1.1.69	1.1.69
1268	" Adhan Ch. Das 'SC'	Clerk, Nowgong	1.6.35	3.2.54	1.1.69	1.1.69
1269	" Furna Kanta Katty	SPM, Abagan	1.1.42	4.12.62	1.1.69	1.1.69
1270	" Khagendra Nath Rava 'SC'	SPM, Kuwaritol	1.1.62	5.8.63	1.1.69	1.1.69
1271	" Romesh Chandra Biswas 'SC'	SPM, Matur	25.1.44	4.6.64	1.1.69	1.1.69
1272	" Lisan Chandra Bora 'ST'	Clerk, Mangaldoi	1.8.44	2.10.64	1.1.69	1.1.69
1273	" Chenaram Das 'SC'	Clerk, Nowgong	1.9.41	4.11.64	1.1.69	1.1.69
1274	" Sashi Kanta Deka	Clerk, Raha	1.3.39	2.11.64	1.1.69	1.1.69
1275	" Chandra Kanta Nath	SPM, Tetenbari	1.1.42	1.7.65	1.1.69	1.1.69
1276	" Upendranath Das, B.A.	Clerk, Tezpur	31.1.46	12.6.65	1.1.69	1.1.69
1277	" Surendra Bordoloi 'ST'	Clerk, Nowgong	1.8.45	1.7.65	1.1.69	1.1.69
1278	" Tankeswar Saikia	Clerk, Tezpur	1.8.39	20.8.65	1.1.69	1.1.69
1279	" Nilakanta Dej	Clerk, Tezpur	1.1.32	23.8.65	1.1.69	1.1.69
1280	" Cheniram Saikia	Clerk, Tezpur	1.6.42	2.9.65	1.1.69	1.1.69
1281	" Dinesh Chandra Das 'T'	Clerk, Laska	1.7.43	3.9.65	1.1.69	1.1.69
1282	" Surendra Chandra Das	Clerk, Lumding	28.1.44	21.3.65	1.1.69	1.1.69
1283	" Nomal Chandra Bhuyan	Clerk, Rupahi	4.3.24	17.8.60	1.1.69	1.1.69
1284	" Mukta Nath Ayangia	Clerk, Halem	1.2.37	2.3.66	1.1.69	1.1.69
1285	" Syed Chand Mohammed Ali	SPM, Duni	1.8.45	22.6.66	1.1.69	1.1.69
1286	" Ehabesh Chandra Deka B.A.	Clerk,邦加igaon	1.8.46	22.6.65	1.1.69	1.1.69
1287	" Narakanta Goswami 'T'	SPM, Bagmarat	1.5.47	1.7.66	1.1.69	1.1.69
1288	" Rupanath Singh 'T'	SPM, Salmara South	1.3.46	6.7.66	1.1.69	1.1.69
1289	" Nanda Kishore Sanna	Clerk, Tezpur	10.1.43	25.5.67	1.1.69	1.1.69
1290	" Narendra Nath Noitra 'SC'	Clerk, Lumding	14.10.45	11.4.68	1.1.69	1.1.69
1291	" Pramathesh Ch Rava 'ST'	Clerk, Mangaldoi	16.12.43	12.4.68	1.1.69	1.1.69
1292	" Dinanath Dutta 'ST'	Clerk, Khowang	5.11.26	5.1.63	6.1.69	6.1.69
1293	" Bimalendu Bikash Deb Purkayastha	Clerk, Lala	1.2.45	10.11.64	20.1.69	20.1.69
1294	" Eishoy Chandra Das	SPM, Barduar	1.1.42	7.8.62	21.2.69	21.2.69
1295	" Chandi Ram Kálita	Clerk, Gauhati	1.2.43	24.8.62	24.5.69	24.5.69
1296	" Pramathesh Bhattacharjee 'T'	Clerk, Badarpur	1.10.38	5.11.64	25.3.69	25.3.69
1297	" Prahlad Chandra Das	Clerk, R.K. Nagar	1.10.44	11.10.64	1.3.69	1.3.69
1298	" Birendra Kishore Dey	Clerk, Lakhisahar	1.10.27	1.2.65	1.3.69	1.3.69
1299	Smt. Anjali Dutta	Clerk, Silchar	1.7.44	21.1.65	1.3.69	1.3.69

FORM-3
(See Rule 54(12))
Details of Family

Name of the Government servant: Syed Chand Mohammad Ali
Designation: S.P.M: Dalgaoon
Date of birth: 1-8-47
Date of appointment: 22-6-66

Details of the members of my family as on 17-11-81

SL. NO.	Name of the members of 'family'. (1) (2)	Date of Birth. (3)	Relationship with the officer. (4)	Initials of the head of Office. (5)	Remarks. (6)
1.	Syed Chand Ali	1-8-47	Self		
2.	Mrs. Hashnemara	2-2-59	wife		
3.	Sabida Begam				
4.	Begum	4-2-77	Daughter		
5.	Miss Sabida Begum	17-10-80	Daughter		
6.					
7.					
8.					
9.					

I hereby undertake to keep the above particulars up-to-date by ratifying to the Accounts Officer/Head of Office any addition or subtraction.

Place: Dalgaoon

Date: 17/11/81

Syed Chand Mohammad Ali
Signature of the Govt. Serv.

ACKNOWLEDGEMENT

I acknowledge the receipt of your Details of your Family furnished on It has been duly pasted in your service Book. in form No. -3-

Place
Date

Signature of Postmaster.
Designation sent.

Accepted
for post
by
ASI Superintendent of Posts
Tinsukia Division, Tinsukia-786125

πππππππππππππππ

Service Roll

[For inferior servants other than members of the constabulary and for those superior servants for whom no service books are maintained]

[The following books are maintained]

1. Name Syed Chand Mohammed Ali
2. Race, sect and caste Muslim (Indian)
3. Native place [with name of District, Village, Thana and Post Office] Till-kharikat
Post-Bairala Thana-Karnalpur, Dist-Karnal
4. Father's name and residence Sayed Mansur Ali (as above)
5. Date of birth by Christian era as nearly as can be ascertained 24-12-1948
6. Exact height by measurement 5'4 2" Twentyfifth-25 November nineteen thousand four hundred and
7. Personal marks for identification One 'Mole' in the left corner of the
8. Signature or mark of Government servant (with date) Syed Chand Ali 20/6/19
9. Signature with date and year and designation of the attesting officer Syed Umar Farid 19/3/19 URSER

Note.—The above entries should be renewed or re-attested at least every five years and the signature in the 7th and 9th

Left hand thumb and finger impressions

Thumb	Fore finger	Middle finger	Ring finger	Little finger	Signature and designation of officer before whom impression is taken	Date
<i>Medind Mangaldas S. S. S. S.</i>					<i>Syed Chandrood Ali 16-7-79</i>	

Note.—To avoid trouble about pension, take great care, in the following circumstances, that the Service Roll clearly answers the following question :—

Circumstances.

1) When substantive inferior servants, e. g., Duftrics, Jemadars, etc., appointed to act in the superior grade on pay exceeding Rs. 10.

When service commences at

- (a) "acting";
- (b) "on probation";
- (c) "acting in a temporary appointment"
on reinstatement after suspension.
ing all leave other than leave on average pay.

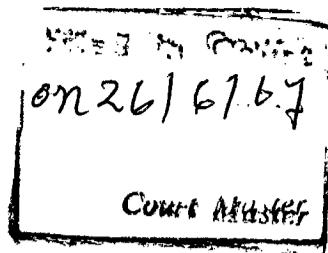
Questions.

What is the nature of vacancy? Is there a full vacancy, or does any other officer count the same time for pension in the same appointment? (Article 371, C. S. R.)

Ditto **Ditto** **Ditto**
Is it in a probationer's appointment specially allotted? (Am. L. 27
C. S. P.)

Is the temporary appointment eventually made permanent? (Article 76, C. S. R.)

Is the period ordered to count for leave and pension ?
What rate of leave allowance was drawn ?



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A. No. 77 /2007

Filed by the applicant
through —
Yannashree Das
(Advocate) 26/6/07

Md. Syed Chand Mohummad Ali

.....Applicant

- Versus -

Union of India and others

.....Respondents

IN THE MATTER OF: -

Rejoinder on behalf of the applicant against
the Written Statement filed by Respondent
No.1 to 3.

I, Syed Chand Mohummad Ali, son of Late Monsur Ali, aged
about 58 years, resident of village and P.O. – Kalaigaon, District – Darrang
(Assam) do hereby state as follows: -

1. That I have been served with a copy of the written – statement and after going through the same have understood the contents thereof and hence save and except those statements which have been specifically admitted herein below, all other statements may be deemed to be denied and also those statements which do not born on the records may also be deemed to be denied.
2. That with regard to the statements made in Paragraphs 1(b), 1(c), 1(d) and 1(e) of the written – statement, the applicant deny the same and states that the same are vague and without any basis.

Contd.....

3. That with regard to the statements made in Paragraph 3 and 4, of the written – statement, the deponent deny the same and states that from the hand – written copy of the School Certificate dated 20.06.1964 (**ANNEXURE – I to the Written Statement**) it is very much clear that someone of the office has over written the age as 18(eighteen) years instead of 15(fifteen) years. The applicant also states that immediately after his appointment all the original certificates including the Certificate of the Headmaster dated 10.08.1965 (**ANNEXURE – A1 to Original Application**) and the Board's Certificate (**ANNEXURE – A2 to Original Application**) were produced before the authority as per the direction of the authority made in his Appointment Letter dated 04.03.1966. Be it also stated here that the Service Book was opened immediately after quasi – confirmation of his service in the year 1969 and in the first page of Service Book shows that the date of birth of the applicant is 25.11.1948 as has been written in the Letter dated 28.12.2006 (**ANNEXURE – C to Original Application**). The question of concealing the proper date of birth and/or certificates does not arise at all as stated in the written – statement. The Board's Certificate and the Certificate of the Headmaster (**ANNEXURE – A1 and A2 to the Original Application**) were given later on and hence he produced the same after the issuance of Appointment Letter dated 04.03.1966 as per direction made herein and hence then there was no illegality. Be it stated here that on 22.06.1966 that is, the date of joining his age was 17(seventeen) years 7(seven) months and 28(twenty-eight) days, it is seen that there was only 5(five) months less, but the respondents did not raise any question in this regard during these long period.

Copy of the Appointment Letter dated 04.03.1966 is annexed herewith as **AANEXURE – E.**

4. That with regard to the statements made in Paragraphs 5, 6 and 7 of the Written Statement, the deponent denies the same and states that the applicant soon after his appointment has produced all his original certificates including Certificate of the Headmaster dated 10.08.1965 and the Board's Certificate dated 15.06.1964 in which his date of birth is

Contd.....

25.11.1948. The Board's Certificate is more authentic and reliable than other documents and according to which Service Book was recorded. The authority also accepted the certificate and corrected all the documents without raising any dispute in this regard and hence they cannot retract the same at this stage making the applicant liable in any manner.

5. That with regard to the statements made in Paragraphs 8,10 and 11 the applicant denies the same and states that he produced his Board's Certificate and School's Certificate (**ANNEXURE – A1 and A2 to the Original Application**) much earlier and hence his Service Book was recorded accordingly. Be it also stated here that on the basis of his actual date of birth the gradation list as on 31.07.1996 and 01.07.2002 properly shows his actual date of birth that is, 25.11.1948, and hence it is denied that the fact was deducted only after crossing of 60(sixty) years of age. The applicant also states that as he was allowed to produce the original certificates after his confirmation of his service, he produced the same which clearly shows and reflect in the First Page of the Service Book and that has been asserted by the respondents vide their Letter dated 28.12.2006 (**ANNEXURE – C to Original Application**).
6. That in respect to the statement made in Paragraph 9 the applicant denies the same and reiterates all the statements made in the relevant paragraphs of the Original Application and states that he submitted his representation dated 27.02.2007.
7. That with regard to the statements made in Paragraphs 14, 15, 16, 17 and 18 of the Written Statement the applicant denies the same and states that though in the Application Form at the time of recruitment he stated his date of birth as 01.08.1945 but after getting the Appointment Letter he produced the original certificates dated 10.08.1965 issued by the Headmaster and also the Board's Certificate and accordingly the Service Book was opened showing the accurate date of birth, but it is the authority who did not correct all the documents due to their negligent resulting various dates in the earlier gradation list. The Service Book as well as the gradation list of the year 1996 and 2002 clearly reflects the accurate date

Contd.....

of birth. Though the applicant produced the original certificates (**ANNEXURE – A1 and A2 of Original Application**) and the respondents have accepted the same many years ago, they did not deny the same and are barred to give retirement whimsically denying the authentic certificates.

Copies of the gradation list dated 31.07.1996 and 01.07.2002 are annexed herewith as **ANNEXURE F and G respectively**.

8 That with regard to the statements made in 19, 20, 21, and 23 of the written Statement the applicant denies the same, states and submits that the respondents acted illegally by not holding the date of birth as mentioned in the authentic document that is Board's Certificate though they accepted much earlier the same. The action of the respondents is illegal and against the due procedure of the law and hence is not sustainable in the eye of law.

Under the facts and circumstances, the Original Application is liable to be allowed with cost.

That I hereby verify the statements made in Paragraph 1, 2, 4, 5, 6 and 8 are true to my knowledge and those statements made in Paragraph 3 and 7 being matter of record, I believe the same to be true and rests are my humble submissions before this Hon'ble Court.

And I sign this verification on this 26th day of June 2007.

✓ Syed Chand Mohammad Sar

Deponent

INDIAN POSTS & TELEGRAPHS DEPARTMENT
OFFICES OF THE SUPERINTENDENT OF POST OFFICES, CENTRAL ASSAM DIVISION.

To

~~Good~~
Sri Syed Chand Mohammad Ali
S/o Syed Mansur Ali
vnu - Kharakat
P.O/ Bachata (Kamrup)

Memo. No. B1-2/Syed C Ali
dated TEZPU 1
the 6/3/68

Sub :- Learner's Scheme for Postal
clerks viz., recruitment.

You are approved for appointment as clerk in Central Assam Dp.
In accordance with D.G's letter No. 60/5/64 dt. 25-1-64, you are hereby
directed to join as Learner at Mail Gondor Post Office
under the following conditions :

- You will be paid a consolidated allowance of Rs.50/- (Rs. fifty) only per month without any other allowance.
- You will not be allowed any overtime allowance.
- You will be appointed against temporary post after you are declared medically fit by Civil Surgeon and your character and antecedents verified by Police.
- You will have to furnish requisite security in the prescribed manner before joining as Learner.
- You will have to undergo regular training as early as possible with two seruties in the enclosed.
- You are to furnish personal bond through the Postmaster at the time of joining.
- You should furnish health certificate from District Civil Surgeon through the Postmaster at the time of joining.
- You should also furnish the original documents viz., Matriculation/H.S.L.Certificate, Marksheets/ certificate of Age/ certificate of good conduct from respectable persons/ and other certificates through the Postmaster.

D/A :- (2)

Supdt. of Post Offices,
Central Assam Division

Copy to the Sub/Postmaster Yalden for information. He will please obtain the documents as mentioned in items h above and forward the same to this office early. He will also obtain requisite security and intimate the date of joining.

(2) The Postmaster Tezpur for information and necessary action.

Superintendent.

Attested by
Advocate
Monata Ghosh
26/6/68.

Seniority list of officials in HSG-II(BCR). (Both HSG-II & BCR). Home post-1
as on 31-7-96.

Sl. No.	Name	Commu- nity.	Date of birth.	Date of entry in promotion T/S PA to LSG cadre.	Date of entry in promotion T/S PA to LSG (TBOP)	Date of promotion which now to HSG/2 working.	Office in BCR.	D.N.I.
1	2	3	4	5	6	7	8	9
1.	Sri Tarini Kanta Deka	OC	1-3-46	1-7-65	25-9-80	1-10-91	Tezpur HO	
2.	Panindra Das	ST	1-11-38	1-4-61	20-2-81	1-10-91	Tezpur HO	
3.	Jiban Ch. Borah-I	SC	1-6-41	13-8-64	20-2-81	1-10-91	Tezpur HO	
4.	D.B. Barman	OC	5-6-39	4-3-60	30-11-83	1-10-91	Evl. office	
5.	Tarash Ch. Sarkar	SC	1-7-32	1-6-60	30-11-83	1-10-91	Majikanjan	
6.	Karendrenath Barman	OC	1-2-41	8-12-60	-do-	-do-	Dimakuchi	
7.	Kazumuddin Ahmed	OC	1-4-41	19-12-60	-do-	-do-	Evl. office	
8.	Mangshadhar Sarma	OC	1-9-39	20-12-60	-do-	-do-	Mangaldoi HO	
9.	Chabin Ch. Kalita	CC	1-10-40	9-9-61	-do-	-do-	Tezpur HO	
10.	Biswundhar Nath Borah	OC	1-9-40	20-12-60	-do-	-do-	Sipajhar	
11.	Moniram Kumar	CC	1-7-42	20-4-64	-do-	-do-	Mangaldoi HO	
12.	Karanath Boruah	CC	1-5-41	7-12-61	-do-	-do-	Mangaldoi HO	
13.	D.M. Talukdar	OC	1-9-41	11-12-61	-do-	-do-	Malibari	
14.	Abdul M. Choudhury	OC	2-2-42	23-6-62	-do-	-do-	Tezkiajuli	
15.	Goutosh Kr. Saha	CC	1-12-40	4-9-62	-do-	-do-	Tezepurma	
16.	Biswundhar Sarma	OC	1-10-42	4-9-62	-do-	-do-	Mangaldoi	
17.	Basir Ali	OC	1-1-40	6-3-63	-do-	-do-	Lalpul Bz.	
18.	Dyaryan Moli	SC	1-6-40	20-5-63	-do-	-do-	Tezpur HO	
19.	L. Robba	ST	1-4-41	5-3-63	-do-	-do-	Tezpur	
20.	Sweswar Hira	SC	5-7-41	13-3-63	-do-	-do-	Mangaldoi	
21.	Nabla Saikia	CC	5-1-41	2-1-61	-do-	-do-	Surugurihat	
22.	Chandra K. Sarma	CC	1-1-42	17-1-61	-do-	-do-	Surugurihat	

Attested by
Manata G.
Advocate
26/10/96

1	2	3	4	5	6	7	8	9
23.	Sri Prafulla Ch. Kalita	OC	1-3-43	11-6-64	30-11-83	1-10-91	Sonitpur.	
24.	Upendra Nath Das	CC	31-1-46	12-5-65	-di-	-do-	Tezpur HO.	
25.	Niloram Boro	ST	1-3-45	3-7-65	-do-	-do-	Chirangari.	
26.	Ranidhar Kakati	ST	1-1-45	7-7-65	-do-	-do-	Deoroni.	
27.	Tankeswar Saikia	CC	1-8-39	20-3-65	-do-	-do-	Tezpur HO.	
28.	Cheniram Seikia	CC	1-5-42	2-9-65	-do-	-do-	Tez.Bazar.	
29.	Joydev Ch. Faul	CC	1-4-45	3-1-64	-do-	-do-	ATM(A/C)Mangaldoi.	
X 30.	Harendra Nath Mechi	CC	28-2-45	2-11-65	-do-	-do-	2-11-91 Tangla.	
31.	Md. Aftab Ali	CC	1-9-65	5-3-65	-do-	-do-	5-11-91 Malihamari.	
X 32.	Sri Rabindranath Sarma	CC	1-7-42	23-3-65	-do-	-do-	1-7-92 Gazbat.	
33.	Sinu Ch. Ray	CC	1-1-45	15-6-65	-do-	-do-	1-7-92 Dalgach.	
X 34.	Zongshidhar Boruah	CC	1-3-47	15-6-66	-do-	-do-	1-7-92 Jhuni.	
35.	Chand Md. Ali	CC	25-11-48	22-5-66	-do-	-do-	1-7-92 Jhalaigaon.	
36.	Chandi Charan Pathak	CC	1-3-43	22-8-66	-do-	-do-	1-1-93 SIM Chariali.	
37.	Hahiram Kalita	CC	1-11-46	2-9-66	-do-	-do-	1-1-93 Lissamari.	
38.	Harcyan Das-(I)	CC	1-1-44	25-5-67	-do-	-do-	1-7-93 Tezpur HO.	
39.	Farini Ch. Haloi	CC	51-7-44	2-11-65	-do-	-do-	18-7-94 Lokra.	
40.	Opal Ch. Das	SC	14-10-43	27-4-63	27-4-84	1-7-94 Ranjapara.		
41.	Fazizuddin Ahmed	CC	1-4-43	30-7-63	30-7-84	1-1-95 Attirockhat.		
42.	Jilok Kr. Dithi	CC	1-3-43	1-9-63	1-1-84	1-1-95 Niharbari.		
43.	Priya Kanta Sut	CC	1-7-45	27-9-63	27-9-84	1-1-95 Tezpur HO.		
44.	Jibon Ch. Das	CC	1-12-48	25-9-63	25-9-84	1-1-95 Tezpur HO.		
45.	Sonitosh Kr. Sengupta	CC	1-3-47	27-3-63	1-1-87	1-1-95 Saloniabari.		
46.	Dhirendra Kr. Dass	SC	-	-	6-3-84	1-1-95 ATM(A/C)Tezpur.		
47.	Duna Kanta Gogoi	CC	15-8-43	19-11-63	19-11-84	1-1-95 Chirangari.		
48.	Pradyumna Kr. Dass	CC	3-2-48	7-8-63	7-8-85	1-1-95 Accountant, Tezpur HC.		

Attested by
Nanata Ghosh
26/6/07

GRADATION LIST OF OFFICIALS IN PA CADRE IN HSG-II(BCR) AS ON 01/01/2002

Sl No	Name	Community	Date of Birth	Date of Entry in PA Cadre	Date of Promotion in TBOP	Date of Promotion in BCR	Office in which working	DNI
1	2	3	4	5	6	7	8	9
✓1.	Sri Surendra Nath Rabha	ST	01-04-1944	05-08-1968	30-11-1983	01-10-1991	SPM/Mijikajan SO	
✓2.	Sri Nabin Ch. Saikia	OC	31-05-1942	01-06-1963	03-11-1983	01-10-1991	SPM/Pabhoi SO	
✓3.	Sri Jaydev Paul	OC	01-04-1943	03-01-1964	30-11-1983	01-10-1991	APM(A/C) Tezpur HO	
✓4.	Sri Chandra Kanta Sarma	OC	01-04-1943	17-01-1964	30-11-1983	01-10-1991	SPM/Sipajhar SO	
✓5.	Sri Prafulla Ch. Kalita	OC	01-03-1943	11-06-1964	30-11-1983	01-10-1991	SPM/Kalibari SO	
✓6.	Sri Upendra Ch. Das	OC	31-01-1946	12-06-1965	30-11-1983	01-10-1991	APM/Tezpur HO	
✓7.	Sri Phanidhar Kakati	ST	01-01-1945	07-07-1965	30-11-1983	01-10-1991	SPM/Kalaigaon SO	
✓8.	Md. Aftab Ali	OC	01-09-1945	05-11-1965	30-11-1983	05-11-1991	SPM/Khalihamari	
✓9.	Sri Pabindra Nath Sarma	OC	01-07-1942	28-03-1966	30-11-1983	01-07-1992	PA/Manjaldoi HO	
✓10.	Sri Bimal Ch. Dey	OC	01-01-1946	15-06-1966	30-11-1983	01-07-1992	SPM/Dhekiajuli SO	
11.	Sri Bangashidhar Baruah	OC	01-03-1947	18-06-1966	30-11-1983	01-07-1992	PA/Manjaldoi HO	
12.	Syed Chand Mohammad Ali	OC	25-11-1948	22-06-1966	30-11-1983	01-07-1992	SPM/Tangla SO	
✓13.	Sri Chandi Charan Pathak	OC	01-03-1943	22-08-1966	30-11-1983	01-01-1993	SPM/Sootea SO	
14.	Sri Hahiram Kalita	OC	01-11-1946	02-09-1966	30-11-1983	01-01-1993	PA/manjaldoi HO	
✓15.	Sri Narayan Ch. Das-I	OC	01-01-1944	25-05-1967	30-11-1983	01-07-1993	OA/Divl. Office	
✓16.	Sri Taran Charan Haloi	OC	31-07-1944	02-11-1965	30-11-1983	01-07-1994	SPM/Thakurbari SO	
17.	Sri Gopal Ch. Das	SC	14-10-1943	27-01-1962	27-04-1984	01-07-1994	APM/Tezpur HO	
18.	Sri Jibani Kr. Nath	OC	01-09-1948	01-09-1968	01-08-1984	01-01-1995	PA/Jamugurihat SO	
19.	Sri Jibani Ch. Das	OC	01-12-1948	25-09-1968	25-09-1984	01-01-1995	SPM/Tezpur Bazar	
20.	Sri Santosh Kr. Sen Gupta	OC	01-03-1947	27-08-1968	01-01-1987	01-01-1995	SPM/Hazarapar SO	
21.	Sri Guna Kanta Goroi	OC	15-09-1943	07-11-1962	19-11-1984	01-01-1995	SPM/Charidiwar SO	
22.	Sri Pradumnya Kr. Das	OC	03-02-1948	07-08-1969	07-08-1985	01-01-1996	APM(A/C)	

Attested by
Minata
26/6/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

केन्द्रीय प्रशासनिक अधिकार सभा
Central Administrative Tribunal

- 7 JAN 2007

গুৱাহাটী নথ্যপোষ
Guwahati Bench

IN THE MATTER OF :

O.A. No.77/2007

Syed Chand Mohammad Ali

.....Applicant

- Versus -

Union of India & Ors.

.....Respondents

- AND -

IN THE MATTER OF :

Additional Written statement submitted by the

Respondents No. 3

WRITTEN STATEMENT

The humble answering respondents
submit their additional written
statement as follows :

1. That I Samir Chakravorty, Supdt. of Post Offices, Tinsukia Division, Tinsukia and Respondents No. 3 in the above case and I have gone through a copy of the rejoinder served on me and have understood the contents thereof. Save and except whatever is specifically admitted in the additional written statement, the contentions and statements made in the rejoinder may be deemed to have been denied. I am competent and authorized to file the statement on behalf of all the respondents.
2. That with regard to the statement made in para 2 of the rejoinder the answering respondents beg to state that the assertion made

Samir Chakravorty
Superintendent of Post Office
Tinsukia Division, Tinsukia-783012

Samir Chakravorty
Superintendent of Post Office
Tinsukia Division, Tinsukia-783012

Samir Chakravorty
Superintendent of Post Office
Tinsukia Division, Tinsukia-783012

in this para is denied in view of the discussions made in the following paras. गुवाहाटी न्यायपीठ
3. That with regard to the statement made in para 3 of the

rejoinder the answering respondents beg to state that while reiterating our earlier stand made in the written statement it is again mentioned that Syed Chand Md. Ali while applying for the post of P.O. clerk had mentioned his date of birth as 07-03-1946 and in support of which he had submitted an attested copy of school certificate dated 20.6.64 issued by the Headmaster Changsari High School. According to this attested copy of school certificate his age was 18 years 03 months 07 days as on 01.03.1964. Since the attesting authority had attested the true copy of the school certificate comparing with original, it is clear that the manipulation in the hand written school certificate was done by the applicant himself and hence over writing of the age as 18 years instead of 15 (fifteen) years by some one of the office does not arise at all and, therefore, denied. It is further stated that the applicant had submitted the hand written school certificate dated 20.6.64 issued by the Headmaster, Changsari High School as original and had never produced his certificate dated 10.8.65 stated to have been issued by the Headmaster and the Board's Certificate dated 15.6.64 with reference to appointment letter dated 04-03-66. Had he submitted these certificates he would not have got the appointment being under age. The service book of Shri Chand Mohammad Ali was written in the year 1973 and not immediately after his confirmation as stated by Syed Chand Md. Ali. At the time of writing of service book by the Postmaster, Mangaldoi HO, Shri Chand Mohammad Ali had produced the certificate issued by the Board for which his date of birth was noted as 25.11.1948. In this stage also said Syed Chand Md. Ali concealed the fact that he, at the time of

recruitment had submitted a school certificate dated 20.6.64 issued by the Headmaster, Changsari High School to the appointing authority in support of his age from which his date of birth comes to 24.11.1945.

So all the statements made in paragraph 3 of the rejoinder are denied. Had the applicant submitted the Board's certificate and certificate issued by the Headmaster, Changsari High School dated 10.8.65, he would not have been considered for appointment at all due to his under age. Since date of birth did not come under scrutiny in day to day functioning of Syed Chand Mohammad Ali, the same could not be detected earlier and it was only when his service book was received at Tinsukia consequent upon his joining as Postmaster, Tinsukia HPO on promotion, his service book was reviewed and the anomaly in his date of birth was detected.

4. That with regard to the statement made in para 4 of the rejoinder the answering respondents beg to state that the averment made in this para is not true and hence denied.

Syed Chand Mohammad Ali had produced attested copy of school certificate issued by the Headmaster, Changsari High School dated 20.6.64 in connection with his appointment from which his date of birth comes to 24.11.1945. Shri Ali had never produced the certificates dated 15.6.64 issued by the Board as well as the Headmaster, Changsari High School dated 10.8.65. Had he submitted this certificates he would not have been appointed as P.O.Clerk. It is mentioned here that the Board certificate was issued on 15.6.64 and he had applied for the post of PO Clerk on 10.7.65. Had he has not the intention to conceal his date of birth he could have easily applied with the certificate issued by the Board. Thus it is clear that the applicant had intentionally concealed his

Chaksony
S. Chaksony
Superintendent of Post Office

actual date of birth for making him eligible for getting the appointment at that time.

The service book was written by the Postmaster, Mangaldoi HPO on the basis of the certificate issued by the Board. He had no knowledge about the concealment of the fact by applicant that he had submitted a hand written certificate issued by the Headmaster, Changsari High School dated 20.6.64 as original certificate to the Appointing Authority at the time of appointment.

5. That with regard to the statement made in para 5 of the rejoinder the answering respondents beg to state that the contention made in this para is denied. The service book was written by the Postmaster, Mangaldoi HPO and it was written on the basis of the certificate issued by the Board. The Postmaster, Mangaldoi HPO had no knowledge about the submission of a school certificate dated 20.6.64 issued by the Headmaster, Changsari High School from which the date of birth of the applicant comes to 24.11.1945. In fact, the applicant had concealed it to the Postmaster, Mangaldoi HPO that he at the time of appointment had submitted a hand written school certificate dated 20.6.64 issued by the Headmaster, Changsari High School to the appointing authority from which his date of birth comes to 24.11.1945. The applicant's date of birth in the gradation list was miscalculated and mentioned as 01.08.1945 which was modified after 1990 as 25.11.48 on the basis of the noting of the applicant in the draft gradation list, without verification with reference to the school certificate dated 20.6.64. The case was detected when the applicant transferred on promotion to Tinsukia as Postmaster and during verification of his service book received from Mangaldoi HPO, anomaly in his age was detected. By then

Chakravorty
Superintendent of Posts Office, Tinsukia
Tinsukia, Assam, India

he had already crossed 60 years of age according to the school certificate dated 20.6.64 issued by the Headmaster, Changsari High School.

6. That with regard to the statement made in para 6 of the rejoinder the answering respondents beg to state that the respondents reiterates its earlier stand elaborated in para 9 of their earlier written statement.

7. That with regard to the statement made in para 7 of the rejoinder the answering respondents beg to state that the applicant had mentioned his date of birth in the application form at the time of recruitment as 7.3.46 and not as 1.8.1945. The date of birth with reference to the attested copy of school certificate dated 20.6.1964 issued by the Headmaster Changsari High School was miscalculated and noted in the application for recruitment dated 10.7.65 as 01.08.1945 and later on this date of birth find place in the gradation list which continues upto the year 1990 and thereafter modified as 25.11.48 on the basis of the noting of the applicant in the draft gradation list, without verification with reference to the School certificate dated 20.6.64 submitted by the applicant at the time of recruitment. As mentioned in the foregoing paras the applicant did never produce the certificate dated 10.8.65 issued by the Headmaster and certificate dated 15.6.64 issued by the Board before the appointing authority. Had he submitted these certificates to the appointing authority, he would have not been ever considered for appointment as PO Clerk. Since the applicant did never produce the certificates as mentioned in the Annexure-A1 and A2 of original application, the question of acceptance of these certificates did never arise. Had he produced these certificates, his appointment would have been at stake as he was under age according to these certificates. The applicant was ordered to retire as he had already crossed 60 years of age

S. Chakravarty
Superintendent of Post Office
Sarangpur, Saran, Bihar, India

as per the School certificate dated 20.6.64 issued by the Headmaster, Changsari High School and which shows no whimsical action on the part of the defendant.

8. That with regard to the statement made in para 8 of the rejoinder the answering respondents beg to state that they want to reiterate their earlier stand.
9. That the rejoinder is devoid of any merit and no rational foundation and as such liable to be dismissed.
10. That this additional reply has been made bona fide and for the ends of justice and equity.

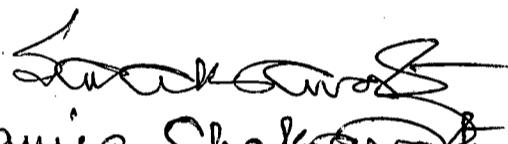
It is therefore humbly prayed before this Hon'ble Tribunal that the present application filed by the applicant may be dismissed.

Changsari High School
Superintendent of Post Office
रित्युक्तिवाचक अदात, वित्तमुक्तिवा

VERIFICATION

I, Samis Chakravorty Son of
Late G.C. Chakravorty aged about 59 years working as
 Superintendent of Post Offices, Tinsukia Division, Tinsukia being duly
 authorized and competent to sign this verification, do hereby solemnly
 affirm and verify that the statements made in Para 1 to 10 are
 true to my knowledge, belief and information and those made in Para
 are true to my knowledge as per the legal advice and I have not
 suppressed any material facts.

And I sign this verification on this 7th day of ^{December} September
 2007 at Tinsukia.


 (Samis Chakravorty)

श्रीमत चाक्रवर्ती
 Superintendent of Post Office
 Tinsukia
 Tinsukia Division.

श्रीमत चाक्रवर्ती
 Superintendent of Post Office
 Tinsukia
 Tinsukia Division, Tinsukia-78619