

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 1158 of 2004

Jabalpur, this the 16th day of June, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

Premilal Khangar,
Aged about 52 years,
S/o Halkuram, Dak Vahak (Messenger).
Branch Post Office Jaitpur,
Tahsil Bijawar, District Chhatarpur (M.P.)

Applicant

(By Advocate – Shri Umesh Trivedi)

VERSUS

- Union of India through,
1. Chief Post Master General, M.P. Circle,
Bhopal (M.P.)
2. Sub Divisional Inspector (Postal),
Chhatarpur (M.P.)

Respondents

(By Advocate – Shri S.A. Dharmadhikari)

ORDER (Oral)

By filing this Original Application, the applicants have sought the following main reliefs :-

“ii. Direct the non-applicants to conduct an enquiry and to correct the date of birth in the service record and instead of 1.1.1940, his date of birth be recorded as 20.6.1952.

iii. the non-applicants be directed to continue the applicant in service till he completes the age of 65 years from his real date of birth.

iv. command the non-applicants to give all the ancillary benefits of continuous service to the applicant such as pay, etc.”



2. The brief facts of the case as stated by the applicant are that his date of birth is 20.6.1952 mentioned in his school leaving certificate/Transfer Certificate while the respondents have entered his date of birth in the service book as 1.1.1940. He made a representation to the respondents for correcting his date of birth, instead of correcting the date of birth the respondents issued an order dated 22.11.2004 (Annexure-A-3), mentioning that on completing the age of 65 years, the applicant will be retired on 31.12.2004 and he should hand over the charge by 31.12.2004. Hence this OA.

3. Heard the learned counsel for the respondents and carefully perused the records.

4. The learned counsel for the respondents has argued that the date of birth of applicant 1.1.1940 was recorded in the gradation list circulated by the respondents department from time to time. He did not file any educational qualification certificate regarding his date of birth at the time of recruitment. Even after the order of retirement, the applicant did not submit any representation. Latter on he made representation claiming that his date of birth is 20.6.52 and he produced a Transfer Certificate dated 23.2.84 issued by the Headmaster Primary School Kishangarh. The original copy of the aforesaid certificate was called from the applicant, but he failed to produce it. The learned counsel for the respondents further argued that if the date of birth of the applicant accepted as 20.6.52 then his age will be 12 years and 8 months at the time of his initial appointment while no person can be appointed in the government service before attaining the age of 18 years and he also argued that the fact of wrong date of birth should have brought before the department within 5 years of service according to the various circulars and instructions issued by the Government.



5. After hearing the learned counsel and on careful perusal of the records I find that the applicant did not file any document in the department regarding his date of birth during whole service. According to rules he was required to agitate this matter regarding the date of birth within 5 years from the date of initial appointment. After retirement he submitted representation for correcting his date of birth and he also not produced the original copy of the certificate issued by the Headmaster Primary School Kishangarh was demanded by the respondents. If the applicant date of birth is accepted as 20.6.52 then his age will be 12 years and 8 months at the time of his initial appointment while no person can be appointed in the government service before attaining the age of 18 years. The contention of the applicant is not sustainable in the eyes of law. Therefore, the OA is bereft of merit. Accordingly the same is dismissed.



(Madan Mohan)
Judicial Member

पूरांकन सं ओ/न्या.....जबलपुर, दि.....

पसिजिनिमि करणे निरा...

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) उच्च न्यायालय, जबलपुर
- (3) प्रत्यक्षी, जबलपुर
- (4) न्यायालय, जबलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

Shri Umer 2. Inred. HC 2137
Shri SA Dandhkan. HC 2137

20/6/09