

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 53 of 2002

Jabalpur, this the 5th day of December, 2003

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri G. Shanthappa, Judicial Member

Hargovind Mali, S/o. Late Shri  
Ram Chand Mali, aged about 62 years,  
Retd. as Extra Departmental Mail  
Carrier, Gram & Post : Bardwaha B.O.  
VIA - Gulganj - 471301  
Distt. Chhatarpur (M.P.).

... Applicant

(By Advocate - Shri Rajendra Shrivastava)

V e r s u s

1. Union of India,  
Through its Secretary,  
Deptt. of Postal, Dak Bhawan,  
Sansad Marg, New Delhi.
2. Principal Chief Post Master  
General, M.P. Circle, Bhopal  
(M.P.).
3. Superintendent of Post,  
Chhatarpur Division, Dak-Khana Chauraha,  
Chhatarpur (M.P.).
4. Sub-Divisional Inspector  
(Postal), Chhatarpur West Sub-  
Division, Chhatarpur (M.P.)  
471001.

... Respondents

(By Advocate - Shri Om Namdeo).

O R D E R (Oral)

By G. Shanthappa, Judicial Member -

The above Original Application is filed seeking the following main reliefs :-

"(i) That, the Hon'ble Tribunal be pleased to issue direction requiring the respondents to submit the entire seniority list of Previous years, Annual Inspections Reports, Service Book and all record pertains to applicant's date of birth for perusal and reference.

(ii) That, this Hon'ble Tribunal be pleased to issue a writ in the nature of certiorari to quash the impugned order dated 08.10.01 (Annexure A-8)

by which applicant has been prematurely retired from service.

(iii) That, by issuance of a writ in the nature of mandamus commanding the respondents to correct the entry of date of birth of the applicant as 15.10.39 instead of 15.10.36 in the service record and allow him to continue in service till 14.10.2004 on the basis of right date of birth i.e. 15.10.39.

(iv) That, by issuance of a writ in the nature of mandamus commanding respondents to reinstate the applicant in service with all consequential benefits, arrears of pay with interest.

(v) That, by issuance of a writ in the nature of mandamus commanding the respondents to restore the position ~~as~~ on 14.10.2001."

2. The dispute in this case is that the applicant joined the service as **EDMC** (Extra Departmental Mail Carrier) at Bardwaha Branch Office, Gulganj in the year 1958. As on the date of entry into service his date of birth was 15.10.1939. After entry into the service the department has recorded his date of birth as 15.10.193~~6~~<sup>9</sup>. That entry was made in the year 1994 in the inspection report. Subsequently the applicant retired on 14.10.2001. Subsequently the applicant came to know that his date of birth is wrongly been entered in the seniority list as per Annexure R-1. The applicant has filed this application seeking the relief for direction to the to the respondents to quash the order dated 08.10.2001 (Annexure A-8) and also directing the respondents to rectify the date of birth in the service records and allow him to continue in service till 14.10.2004.

3. The dispute in this case <sup>is</sup> regarding entry of date of birth in the service record. According to the applicant <sup>is</sup> Annexure A-2/ the certificate issued by the school <sup>is</sup> authorities on 23.01.1985. The said certificate is not

under the seal of ~~in~~ the ~~letter~~ head of the school. The learned counsel for the applicant also produced Annexure A-3, a copy of the Postal Life Insurance Certificate, wherein the date of birth is mentioned as 15.10.39. The said document is not authentic document regarding date of birth.

4. To solve the problem regarding date of birth the applicant has to approach the Civil Court and obtain a decree regarding date of birth. The disputed fact regarding date of birth cannot be decided by this Tribunal. However the applicant will be at liberty to approach the correct forum regarding dispute of date of birth and if he obtains a decree of his correct date of birth then the respondents should correct the date of birth of the applicant and he shall be entitled for all the service benefits in pursuance to correction of date of birth. If there is any mistake committed by the respondents, they shall correct that mistake in pursuance to the decree produced by the applicant, and **shall also pay all the consequential benefits of his service.** Accordingly the said Original Application is **disposed of.** No costs.

*(Signature)*  
(G. Shanthappa)  
Judicial Member

*(Signature)*  
(M.P. Singh)  
Vice Chairman

"SA"

पुस्तक सं ओ/व्या.....जयपुर, दि.....  
पत्रिकादि अर्पित:-  
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RK Shrivastava  
Adv.  
Om Namdeo, Adv.

*(Signature)*  
उप-निर्देश

Received  
on  
17-12-73