

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

Dated: This the 04th day of April 2018.

**Original Application No. 812 of 2012
(U/s 19 of Administrative Tribunals Act, 1985)**

PRESENT:

HON'BLE DR. MURTAZA ALI, MEMBER – J

Girijesh Singh son of late Radha Krishna Singh r/o Village Tetaria, P.O Dhuria, District Kushi Nagar.

.....**Applicant**

By Adv: Shri Sudhakar Pandey

V E R S U S

1. Union of India through Railway Secretary, Government of India at New Delhi.
2. Chief Post Master General, Chadakyapur New Delhi.
3. Nideshak Lekha (Dak), Uttar Pradesh Parimandal, Lucknow.
4. Senior Account Officer (Pension), Office of Nideshak Lekha (Dak), Uttar Pradesh Parimandal, Lucknow.
5. Post Master General, Gorakhpur Region, Gorakhpur.

.....**Respondents**

By Adv: Shri N.P Shukla

O R D E R

The applicant has filed this O.A seeking direction for respondents to release family pension for applicant on the basis of date of birth mentioned in his High School certificate.

2. The brief facts of the case are that the father of applicant late Radha Krishna Singh had died on 2.9.1997 while working as Viligan Sahayak in R.M.S 'G' Mandal Deoria leaving behind two minor sons namely Rajesh Kumar Singh and Girjesh Singh (applicant). Family pension was released in favour of applicant relying on the entries made by his father in form – 3 of his Service Book. It is alleged that the PPO dated 21.4.2006 has wrongly been issued considering his age on the basis of entries made by his father in form 3 of service book whereas his real date of birth is 8.7.1990. It is the contention of applicant that he intimated this fact to the concerned authority vide his letter dated 28.3.2006 and also preferred several representations for correction of his date of birth in the official record but it has not yet been corrected by the respondents. It has been prayed that he is entitled to get family pension on the basis of his correct date of birth which is mentioned in his High School Certificate as 8.7.1990.

3. In the counter reply filed on behalf of respondents, it has been stated that the father of applicant late Radha Krishna Singh had furnished information in form 3 on 15.11.1990 stating the age of Girjesh Singh (applicant) as 5 years and 6 months and accordingly PPO was issued to the applicant authorizing him family pension up to the age of 25 years. It has been admitted that the applicant had preferred representation on 19.5.2010 claiming his date of birth as 8.5.1990 on the basis of High School Certificate but his prayer was not accepted and PPO has rightly been issued to him.

4. In the rejoinder, the applicant has reiterated the averments made in the OA and further stated that his date of birth should be considered as 8.5.1990 as mentioned in his High School Certificate and accordingly he is entitled to get family pension upto the attainment of 25 years age. It is further stated that the family pension to his elder brother was also released on the basis of date of birth entered in his High School certificate.

5. Heard Shri Sudhakar Pandey counsel for the applicant and Shri D. Tiwari proxy counsel for Shri N.P Shukla counsel for the respondents and perused the record.

6. Learned counsel for the applicant would contend that the applicant is entitled for family pension till the age of 25 years on the basis of date of birth mentioned in his High School certificate.

7. Learned counsel for the respondents argued that the date of birth of applicant has rightly been taken into account as mentioned by his father in form 3 on 15.11.1990 and P.P.O has rightly been issued to the applicant relying upon the date of birth mentioned in the official record of his father.

8. It is not in dispute that the father of applicant late Radha Krishna Singh had submitted the details of his family members in Form-3 on 15.11.1990 for availing L.T.C. for block year 1986-1989 in which he had

shown the age of Girijesh Kumar Singh (applicant) as 5 ½ years and the respondents, while relying upon the age mentioned by the father of applicant, has issued P.P.O in favour of applicant for grant of family pension upto the admissible age. If the date of birth of applicant is taken as 8.7.1990 as claimed him on the basis of High School certificate, the age of applicant was 4 months and 7 days only on 15.11.1990 whereas the father of applicant had mentioned his age as 5 ½ on 15.11.1990. The applicant has failed to show any official record of his father in which he had mentioned his age as mentioned in his High School certificate. If the age/date of birth is informed by the employee to his department, the department is justified to treat such age/date of birth as correct. It cannot be believed that the applicant was only 4 months and 7 days old on 15.11.1990 and his father wrongly entered his age as 5 ½ years on 15.11.1990 in form 3 while availing the benefit of L.T.C.

9. In view of the above, the O.A. is devoid of any merit and is hereby dismissed. No order as to costs.

Member (J)

Manish/-