

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00122/2017

DATED THIS THE 31ST DAY OF JANUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

D.M. Darukeswara,
Aged about 60 years,
S/o B.G. Girimallaiah,
Working as Postman,
Bellary HO -583 101.
R/ at: D.No.197, Ward No.34,
Ujjini Marula Siddeshwara Krupa,
4th Cross, Devinagar,
Bellary-583 104.

.....Applicant

(By Advocate: Shri. P. Kamalesan)

Vs.

1. Union of India,
Represented by its Director General,
Department of Post,
Dak Bhavan,
New Delhi-110 001.
2. The Chief Post Master General,
Karnataka Circle,
Bangalore-560 001.
3. Post Master General,
N.K. Region,
Dharwad-580 001.
4. The Superintendent of Post Offices,
Bellary Postal Division,
Bellary-583 102.
5. Post Master,
Bellary HO,
Bellary-583 101.

....Respondents

(By Shri K. Gajendra Vasu, Sr. Panel Counsel)

O R D E R (ORAL)
HON'BLE DR. K.B. SURESH, MEMBER(J)

Heard. This matter is in a very short compass. The applicant's actual date of birth is 05.07.1957. Apparently, in all the connected documents with the respondents, this date is given. But, some how by a mistake, in the Service Book alone the date is shown as 01.07.1957. There is only one issue involved in it. If the applicant's date of birth is 05.07.1957, he will get the benefit of one increment, otherwise he will lose it, being the month of July. Since all the connected records are showing the date of birth as 05.07.1957, there is no need to recognize a mistake and allow it to be there. Therefore, the respondents are directed to correct that mistake and treat the date of birth as 05.07.1957 and accord him all the benefits in accordance with it within 3 months.

2. The OM in this regard shows that within 5 years it has to be pointed out. But, then, the correspondence duty on the respondent is to correct the mistake, if, they have made it. When in all the concerned documents the date of birth is shown as 05.07.1957, just because a clerical mistake is made, which is not noted by anybody including the applicant and the respondents, the burden cannot be placed on the shoulders of the applicant.

3. Therefore OA is allowed declaring the date of birth as 05.07.1957. The benefits in accordance with it will be granted to the applicant within 3 months. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)
vmr

(DR. K.B. SURESH)
MEMBER(J)

Annexure referred to by the applicant in OA.No.122/2017

Annexure A-1: Copy of APAR of the applicant for the year 15-16.

Annexure A-2: Copy of representation dated 16.6.2016.

Annexure A-3: Copy of Supdt. Of Post Offices Bellary Dvn., datd. 29.11.2016.

Annexure A-4: Copy of Supt. Of Post Offices Bellary Dv. Letter No.BLR/B2/RTIDLgs dtd. 30.12.2016.

Annexure A-5: Copy of appeal to DPS N.K. Region Dharwad dtd. 5.1.2017.

Annexure A-6: Copy of T.C. Of applicant dt. 15.3.1973.

Annexure A-7 Copy of Cumulative School Record dtd. 12.7.1982.

Annexure A-8: Copy of gradation list.

Annexure A-9: Copy of Identity Card dt. 19.3.97 issued by Post Master, Bellary Dist.

Annexure A-10: Copy of Identity Card issued by Supt. Of Post Offices, Bellary Division.

Annexure A-11: Copy of first page of Service Book.

Annexure A-12: Copy of Rules regarding maintenance of Service Book P&T & FHB Vol.I.

Annexure A-13: Copy of instructions/ rules on the subject.

Annexures referred to by the respondents

Annexure R-1: OM dated 16.12.2014 issued by DOP&T.

Annexure R-2: Details of family of the applicant.

Annexure R-3: Gradation list of Postman and Group D officials.

Annexure R-4: Letter dated 04.07.2008 issued by Supdt. Of Post Offices.

Annexure R-5: Copy of the order in RA.No.40/2017 in WA.No.26/2008 of High Court of Madras.

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