

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

ORIGINAL APPLICATION NO.200/00943/2017

Jabalpur, this Wednesday, the 8th day of May, 2019

HON'BLE MR.NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR.RAMESH SINGH THAKUR, JUDICIAL MEMBER

Komal Prasad Pyasi, S/o Late Gouri Shankar Pyasi,
DOB: 24.11.1953, Working as GDS BPM Murachh,
R/o Village of Post Murachh, Tehsil Hata, District Damoh,
Damoh-470775(M.P.) Mobile No.9685727850 - **APPLICANT**

(By Advocate – Shri Vijay Tripathi)

Versus

1. Union of India through its Secretary,
Ministry of Communication & IT, Department of Posts,
Dak Bhawan, Sansad Marg, New Delhi-110 001 (M.P.)

2. Chief Post Master General, Madhya Pradesh Circle,
Hoshangabad Road, Bhopal, District-Bhopal-462012(M.P.)

3. Sr. Superintendent of Post Offices, Sagar Division,
Sagar-470001 (M.P.) - **RESPONDENTS**

(By Advocate – Shri Surendra Pratap Singh)

(Date of reserving the order: 12.11.2018)

ORDER

By Navin Tandon, AM.-

The applicant is aggrieved that he is being retired on superannuation on the basis of wrong date of birth.

2. The brief facts of the case as submitted by the applicant are as under:-

2.1 He was appointed as Gramin Dak Sevak Branch Post Master, Murachh vide order dated 04.08.1980.

2.2 At the time of his appointment his date of birth was recorded as 24.11.1953 on the basis of 8th class certificate.

2.3 One Mail Overseer Shri Ramesh Prasad Vishwakarma informed him that his date of birth has been recorded as 24.11.1952. Accordingly he submitted an application for correction of date of birth.

2.4 However, the respondents have rejected his representation vide impugned order dated 08.11.2017 (Annexure A-1) and directed for his retirement with effect from 23.11.2017.

3. The applicant has prayed for the following relief in this Original Application:-

“(8.1) Summon the entire relevant record from the possession of Respondents for its kind perusal;

(8.2) Upon holding that DOB of applicant is 24.11.1953 set aside the order/communication dated 08.11.2017 Annexure A-1.

(8.3) Direct the respondent to permit the applicant to complete his normal tenure up to 24.11.2018 as GDS BPM Murachh.

(8.4) Any other order/orders, direction/directions may also be passed.

(8.5) Award cost of the litigation to the Applicant”.

4. The respondents in their reply have submitted as under:-
 - 4.1 In the school certificate for class 8th the date of birth of the applicant was not clearly visibly mentioned.
 - 4.2 In the gradation list issued by the Sagar Division, the date of birth of the applicant is mentioned as 24.11.1952.
 - 4.3 The applicant had not made any application for correction of his service record within a period of 5 years of his joining and submitted his application for correction of date of birth only at the fag end of his service, which could not be considered.
5. Heard the learned counsel of parties and carefully perused the pleadings of the respective parties and the documents annexed therewith.
6. This Tribunal as an interim measure vide order dated 21.11.2017 had passed the following order:-

“Heard both the parties for interim order.

In furtherance to our order dated 16.11.2017, learned Senior Central Govt. Standing Counsel for the respondents has produced the original record of the applicant

I have perused the service book and the relevant file produced by the learned Senior Standing Counsel for the respondents. The certificate submitted by the applicant has been located in the original file, which has been issued by the school authority. After careful examining the certificate, the date of birth of applicant is 24.11.1953 (in words). The document is in mutilated condition and seems to more than 30 years old and truthfulness is attached to this document. However, in service book the inspection dated 07.09.2011, the date of birth of applicant is typed as 24.11.1952. So there is prima facie good case in favour of the applicant and I feel the applicant deserve for interim order. Hence

the implementation of order dated 08.11.2017 (Annexure A-1) is stayed till further orders”.

6.1 The above interim order was continued till the date of final hearing of this matter i.e. up to 12.11.2018.

7. During the course of final hearing of this Original Application, the learned Senior Standing Counsel has also produced the Departmental File H-160/Murrachh/Istha/ of Branch Post Office, Murachh Accounts Office, Hata, Assistant Superintendent Damoh, containing different internal correspondence. On perusal of the same we find that in some documents the date of birth of the applicant has been recorded as 24.11.1953 and in some as 24.11.1952, but we fail to find any service sheet/book wherein the date of birth of the applicant, duly certified by the competent authority of the respondents, at the time of his appointment, has been recorded.

8. We further find that the certificate which has been issued by the school authority and submitted by the applicant has also been placed, in the original file produced by the respondents, as the first document. After careful examining the certificate, the date of birth of applicant is recorded as 24.11.1953 (in words). The document is in mutilated condition and seems to be more than 30 years old. We also find another document in the file wherein the Headmaster of the School has also certified that in

School's Dakhil Kharij No.167 the date of birth of the applicant has been recorded as 24.11.1953.

9. In this view of the matter this Original Application is allowed. The impugned order dated 08.01.2017 (Annexure A-1) is quashed and set aside. The respondents are directed to grant all consequential benefits to the applicant treating his date of birth as 24.11.1953, within a period of 90 (ninety) days from the date of communication of this order. No costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

rkv