

(1)

Central Administrative Tribunal, Principal Bench

Original Application No.205 of 2002

New Delhi, this the 28th day of January, 2002

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member(A)

Narendra Himmatlal Dave,
Assistant Director(P)
Statistical Unit
Department of Education
Ministry of Human Resource Development
Govt. of India, Shastri Bhawan,
New Delhi

- Applicant

(By Advocate: Shri D.S.Garg)

Versus

Union of India, through

The Secretary to GOI
Department of Education
Ministry of Human Resource Development
Shastri Bhawan, New Delhi

- Respondents

O R D E R (ORAL)

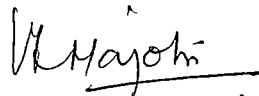
By Justice Ashok Agarwal, Chairman

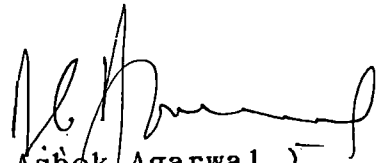
Applicant had earlier instituted OA No.1573/97 seeking a declaration in regard to his date of birth. The same was withdrawn by the applicant by an order passed on 20.7.97. Present OA which seeks practically the very same relief namely his date of birth being 1.2.43 and not 13.1.42 as recorded in his service record, will in our view be barred by principles analogous to res-judicata. Relief claimed seeking a restraint on his retirement, will not be maintainable. Moreover, present dispute in our view, has been belatedly raised. The same ought to have been raised within a period of five years from the date of joining of the service - Union of India vs. K.H.Pandija, JT 1995 (2) SC 365, Vizagapatnam Dock Labour Board vs. E.Archana &

Ne.P.

2

Ors., JT 1996 (3) SC 6, Hindustan Liver Limited vs. S.M.
Jadhav, JT 2001 (4) SC 129. Present OA, in the
circumstances, is dismissed in limine.


(V.K. Majotra)
Member(A)


(Ashok Agarwal)
Chairman

/dkm/