

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A.No.021/0917/2019

Dated this the 31st day of January, 2020

CORAM:

**THE HON'BLE MR.JUSTICE L.NARASIMHA REDDY, CHAIRMAN
THE HON'BLE MR.B.V.SUDHAKAR, MEMBER (ADMN.)**

Between:

A.Yellaiah, s/o Venkataiah,
Aged 55 yrs, Occ:Senior Goods Guard,
(Group 'C'), O/o the Station Manager,
Kazipet R.S., South Central Railway,
Secunderabad Division, Kazipet,
Warangal District, Telangana,
R/o 11-1-8, SRT 263, Labour Colony,
Lakshmipur, Kazipet-506 013,
Warangal District, Telangana.

...Applicant

(By Mr.K.R.K.V.Prasad, Counsel for the Applicant)

A n d

1. Union of India, rep., by the General Manager,
South Central Railway, Rail Nilayam,
Secunderabad.

2. The Divisional Railway Manager (Personnel),
South Central Railway, Rail Nilayam,
Secunderabad.

...Respondents

(By Mr.V.Vinod Kumar, SC for Railways)



ORAL ORDER

(As per Hon'ble Mr.Justice L.Narasimha Reddy, Chairman)



The applicant states that he joined the service of South Central Railway as Casual Labour and was engaged as Skilled Artisan on 18.02.1982. According to him, his date of birth is 15.01.1965 and the same was reflected in his SSC Certificate as well as Transfer Certificate. The applicant contends that the respondents have wrongly recorded his date of birth in his Service Register as 15.01.1060. He is stated to have made a representation in 2014 when he noticed a discrepancy, and another representation in 2017.

2. This OA is filed with a prayer to direct the respondents to correct his date of birth as 15.01.1965 and to extend the service benefits on that basis.

3. The respondents have filed a reply statement. It is stated that the date of birth was recorded as per the instructions given by the applicant and it is not open to him to raise objection at the verge of his retirement. It is also stated that at every stage, the date of birth was known to him and he did not raise any objection.

4. We heard Mr.K.R.K.V.Prasad, learned counsel for the Applicant and Mr.Samba Siva Rao, proxy counsel representing Mr.V.Vinod Kumar, learned standing counsel for the Respondents.



5. It is not in dispute that the date of birth of the applicant was mentioned in the Service Register as 15.01.1960. If one takes into account, the date of birth as 15.01.1960 as on 18.02.1982, the applicant would be 22 years old by that date. If the date of birth is taken as 1965, he would be hardly 17 years. Obviously, for this reason, the applicant did not raise any objection. In case, the applicant had in his possession the SSC certificate that reflected his date of birth as 15.01.1965, it is just understandable as to how he remained silent when it was mentioned otherwise in the Service Register.

6. The facility of change of date of birth at a later stage is provided under Indian Railway Establishment Code, (IREC), Volume-I, only in respect to illiterate employees that too if the concerned authority is satisfied about it. Para 225 of IREC is very clear on this. Whether one goes by the age of the applicant as on the date of his appointment or his remaining silent for decades together, it becomes difficult to accede to his request.

7. We, therefore, do not find any merit in this OA and the same is accordingly dismissed. No order as to costs.



Sd/-

(B.V.SUDHAKAR)
MEMBER (ADMN.)

Sd/-

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

Dated: this the 31st day of January , 2020

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