

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/00490/2016

Dated this Thursday, the 09th day of January, 2020

**CORAM : DR. BHAGWAN SAHAI, MEMBER (A)
R.N.SINGH, MEMBER (J)**

Pravin Rao S/o Kailashpati Rao, Aged 59 years,
Serving as Chief Ticket Inspector, Indian Railways
at Headquarter Manmad, resident of C/o Gayatri Rao,
Amyin Bldg., Flat No.7, Opp- Devmata Sadan,
Jail Road, Nashik Road, Dist - Nashik 422 101. - **Applicant**
(By Advocate Shri R.G.Panchal)

VERSUS

1. Union of India, Through Secretary,
Ministry of Railway, Rail Bhavan, South Block,
New Delhi 110 010.
 2. The Chief Personnel Officer, Central Railways,
G.M. Office, CST, Central Railways, Mumbai.
 3. The DRM (P), DRM Office, Central Railways,
Bhusawal, Taluk-Bhusawal,
Dist: Jalgaon. **- Respondents**
- (By Advocate Shri V.S.Masurkar)

ORAL ORDER

Per : R.N.Singh, Member (Judicial)

In the present OA filed under Section
19 of the Administrative Tribunals Act,
1985, the applicant has challenged a letter
dated 10.06.2016 written by Station
Manager, Manmad, Central Railways to the
applicant which reads as under :-

"Shri P.K.Rao,
CTI, Manmad,

Subject : Your superannuation from
Railways on 30.06.2016.

You are going to superannuate on 30.6.2019. Please submit your booklet at Bhusawal and deposit the same thereat so that you shall get your pay within time.

This be treated urgent."

2. The applicant has prayed for the following reliefs therein in the OA:

"8(a). This Hon'ble Tribunal be pleased to quash and set aside impugned letter communication dated 10.6.2016.

8(b). This Hon'ble Tribunal be pleased to restrain the Respondents from retiring the applicant on 30.06.2016;

8(c). any such other and further relief as the applicant may, in law, be entitled to, in the facts and circumstances of the present case."

3. In response to the notice received from the Tribunal, the respondents have filed reply.


4. The learned counsel for the applicant submits that the applicant should not have been required to deposit the booklet at Bhusawal or to the respondents in as much as he was not likely to retire with effect from 30.06.2016 rather he was due to retire with effect from 30.06.2017. He submits that the reasons of his claim for being due for retirement with effect from 30.06.2017 is on the basis of this date of birth of the applicant shown in his Matriculation Certificate.

5. With the assistance of the reply filed on behalf of the respondents, the learned counsel for the respondents submits that the applicant was appointed on compassionate ground on 26.03.1982 and as per service record of the applicant, the date of birth of the applicant is 06.06.1956. It is further contended by the learned counsel for the respondents that all along for around 34 years, the applicant has never disputed the date of birth as being 06.06.1956 and incorporated in service record. He further submits that the applicant has neither challenged the date of birth incorporated in his service record nor he has prayed for any other date to be incorporated in his service record in place of one 06.06.1956, already recorded in his service record. He further submits that during pendency of the OA, the applicant has already complied with the requirement of the impugned order dated 10.06.2016 (Annex A-1) and all admissible dues have already paid to the applicant.

6. We have perused the pleadings on record and have considered the submission made by


the learned counsels for the parties. We find the submissions of the respondents to be in accordance with the facts on record. The applicant cannot seek alteration of date of birth at the fag end of his service of 34 years and that too without specific pleadings, evidence and prayer therefor.

7. In the aforesaid facts and circumstances, we do not find any merit in the present OA and the same is accordingly dismissed. However, in the facts and circumstances, no order as to costs.


(R.N.Singh)
Member (Judicial)

(Dr. Bhagwan Sahai)
Member (Administrative)

kmg*


14/01/20