

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

U.A. No. 734/1995

New Delhi this the 26th Day of April 1995

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

Hon'ble Mr. K. Muthukumar, Member (A)

Shri Sat Narain,
S/o Shri Jai Dayal,
A-127 Loco Shet,
Kishan Ganj Railway Colony,
Delhi-110 007.

... Applicant

(By Advocate: Shri D.N. Moorli)

Vs.

Divisional Railway Manager,
Northern Railway,
Bikaner.

... Respondent

(By Advocate: None)

O R D E R (Oral)

Hon'ble Mr. A.V. Haridasan, Vice Chairman (J)

In this application a railway employee who retired from service on 11.3.1994 has prayed that the respondents may be directed to allow the applicant to work and remain in service till 11.3.1996. He has averred in the application that though in many of the official records his date of birth was recorded as 11.3.1938, he was unjustifiably retired from service taking his date of birth as 11.3.1936. In the application it has been stated that an earlier U.A. No. 757/1993 was filed by him in this regard had been withdrawn. After perusing the application we deemed it necessary to pursue the earlier U.A. No. 757/1993 as also the

2

-: 2 :-

order by which the same was disposed of and to ascertain whether the present application deserves to be admitted. We have perused the pleadings in O.A. No. 757/1993 and have also seen the order dated 23.1.1995 disposing of the O.A.


2. It was alleged in the O.A. No. 757/1993 that though the applicant had produced his matriculation certificate in which his date of birth was recorded as 11.3.1938 and though in several official records the date of birth was so recorded the applicant came to know that in his service sheet the date of birth of the applicant was recorded as 11.3.1936 and thereafter the representation submitted by him for alteration of date of birth was not favourably considered. He had prayed that a direction may be given to the respondents to alter his date of birth in his service sheet as 11.3.1938. The respondents contested the case and they contended that in the service ^{Sheet} ~~book~~ of the applicant his date of birth was recorded as 11.3.1936 and that it was not open for the applicant to make an application for alteration of the same just on the eve of his retirement on superannuation. When the application came up for hearing, after advancing some arguments, the learned counsel for the applicant sought permission to withdraw this application and therefore O.A. No.757/93 was dismissed as withdrawn. What emerges from the pleadings and the order in O.A. No. 757/1993 is that the applicant who came to know that his date of birth was recorded as 11.3.1936 in the service sheet had prayed for a direction for alteration of his date of birth as 11.3.1938 and that this application was unconditionally withdrawn by the applicant. Under these


4

-: 3 :-

circumstances the action of the respondents in retiring him from service on 11.3.1994 cannot be apparently faulted. On the face of the order in J.A.No.757/1993, the applicant cannot now be ^{allowed} to claim that he should be allowed to continue in service beyond 11.3.1994.

3. At this stage the learned counsel for the applicant submitted that, though the relief claimed in this application is different from the relief claimed in J.A. 757/1993 and though the applicant has sufficient ^{documents} ~~developments~~ to establish his case as he would prefer to take up the matter with the departmental authorities the application may be allowed to be withdrawn with liberty to approach the respondents for redressal of his grievances. . The request being reasonable is allowed. The application is ^{repealed} ~~dismissed~~ as withdrawn with liberty to the applicant to approach the respondents for redressal of his grievances, if any, No order as to costs.


(K. Muthukumar)
Member(A)


(A.V. Haridasan)
Vice Chairman(J)

Mittal