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Central Administrative Tribunal, Principal Bench

O.A.No.154/96

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 20th day of March, 1997

Shri Vishwanath Nanda
s/o Shri Kundan Lal Nanda
r/o Railway Flat No.254/6-C
Panchkuin Road
New Delhi - 110 001. Applicant

(By Shri Jog Singh, Advocate)

Vs.

Union of India through:

1. Chairman
Railway Board
Rail Bhawan
Rafi Marg
New Delhi - 110 001.
2. Secretary
Railway Board
Rail Bhawan
Rafi Marg
New Delhi - 110 001.
3. General Manager
Northern Railway
Baroda House
New Delhi. Respondents

(By Shri Rajeev Sharma, Advocate)

O R D E R(Oral)

Hon'ble Mrs. Lakshmi Swaminathan, Member(J)

We have seen the pleadings and considered the submissions made by the learned counsel for both the parties.

2. In the letter issued by the respondents dated 1.5.1995 it has been clearly stated that the applicant's date of birth as entered in the Matriculation Certificate in the Service Book as far back as in 1978 and attested in the service record by the competent authority is shown as 13.9.1937. In the facts and circumstances of the case, therefore, the respondents had taken into account the date of birth of the applicant as 13.9.1937 and thus he should be continued in

service ~~also~~^{is}. beyond 1.2.1995. Thus they had apparently erroneously taken his date of birth as 13.1.1937. As the date of birth, as accepted by the respondents^{themselves} is 13.9.1937, therefore, they have continued the applicant in service till September, 1995. The only dispute is with regard to the pay and allowances for the intervening period from 1.2.1995 to resumption of duty by the applicant on 5.5.1995. Considering the facts and circumstances, we find no justification in the respondents treating this intervening period as leave due to him for which he would not be entitled to pay and allowances.

3. In the result, this application is allowed.

Respondents are directed to pay the pay and allowances for the intervening period from 1.2.1995 to the date of resumption of duty by the applicant on 5.5.1995 with all consequential benefits in accordance with law. However, the claim for interest is rejected.

4. OA is disposed of accordingly. No costs.

R.K. Ahuja
(R.K. AHUJA)
MEMBER(A)

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
MEMBER(J)

/rao/