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Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2322/97

New Delhi, this the 6th day of October, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)
Hon'ble Shri S.P. Biswas, Member (A)

Narendra Himmatlal Dave,
Assistant Director (P)
Statistical Unit,
Dept. of Education,
Min. of Human Resource Development,
Shastri Bhawan,
New Delhi.Applicant
(By Advocate: Shri D.S. Garg)

Versus

Union of India through

1. Secretary,
Department of Education,
Ministry of Human Resource Development,
Shastri Bhawan,
New Delhi.Respondents
(By None)

O R D E R (ORAL)
[Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)]

The case of the petitioner is that at the time of employment he declared his date of birth as 1.2.1943 in the form but in the certificate given alongwith the said form, which he obtained from the School authorities, the date of birth was shown as 13.1.1942. His contention is that the respondents, on their own, have now held the date of birth of the petitioner as 13.1.1942. According to the petitioner, he came to know about the wrong entry in respect of his date of birth in the service record only in the year 1981. Thereafter, he made a representation and the same was rejected by the respondents.

We are not inclind to issue notice in this OA on the ground that change in the date of birth should have been requested by the petitioner within five years of his initial appointment. Petitioner has also not been able to

say what was his date of birth recorded in various seniority lists that have been issued/circulated by the respondents from time to time and that he came to know about the wrong entry of his date of birth only in the year 1981.

It was also submitted by the petitioner that he had filed an O.A. for the same cause and the same was permitted to be withdrawn. Admittedly, no additional document has been added to this new petition. The petitioner submits that on certain additional arguments on the basis of his interpretation to certain decisions of the Hon'ble Supreme Court, he has filed this Original Application.

We have heard the counsel at length and we are not impressed by the arguments advanced. The relief sought in this OA cannot be granted at this belated stage by this court. In view of this, petitioner seeks and is permitted to withdraw this OA.



(S.P.Biswas)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)