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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. O.A. 1385/87.

DATE OF DECISION: 18.1.1993

R. Luikham.

... Petitioner.

Versus

Union of India & Anr.

... Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. I.K. RASGOTRA, MEMBER(A).

For the Petitioner.

... None.

For the Respondents.

... Shri P.P. Khurana,
Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath,
Chairman)

In this petition, the grievance is in regard to the correct date of birth of the petitioner. The petitioner claims that his correct date of birth is 29.12.1930, whereas in the service record, his date of birth is recorded as 1.10.1929. The problem regarding his date of birth was examined by the Government in consultation with the Public Service Commission and an order was passed on 12.6.1961, copy of which has been produced along with the reply. The decision therein is to the effect that the Government accepts 1.10.1929 as the correct date of birth of the petitioner. This order had been communicated to the petitioner and the correct date of birth as 1.10.1929 was recorded in his service documents. The petitioner did not challenge the correctness of the said decision for nearly 25 years. He made a representation only on 10.4.1986 for correction of his date of birth to the Prime Minister which having/forwarded to the authorities, the same was examined and ultimately rejected on 19.9.1986. The cause of action really accrued in favour of the petitioner when a decision was taken on 12.6.1961 and communicated to the petitioner accepting 1.10.1929.

as the correct date of birth. It is not that the decision was taken arbitrarily. The date 1.10.1929 was accepted on the basis of the school record issued by the Headmaster, Government High School, Shillong where the petitioner had studied. Those records show that the date of birth of the petitioner is 1.10.1929. The petitioner cannot just on the eve of the filing of the application before the Tribunal make representation and then plead that the rejection of the same gives/fresh cause of action to come within the prescribed/limitation. We are satisfied that the cause of action accrued in favour of the petitioner in the year 1961. The rejection made nearly 25 years ago cannot give him a fresh cause of action. As the cause of action had accrued in the year 1961, we have no jurisdiction to entertain this application filed in the year 1987. having regard to sub-section(2) of Sec.21 of the Administrative Tribunals Act, 1985. On merits, it is also not possible to take the view that the authority acted arbitrarily when they decided to accept 1.10.1929 as the/date of birth of the petitioner on the basis of the school record. Even on merits, we are satisfied that the petitioner has no case.

2. For the reasons stated above, this petition fails and is accordingly dismissed. No costs.

Sharma
(I.K. RASGOTRA)
MEMBER(A)

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Malimath
(V.S. MALIMATH)
CHAIRMAN