

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

Dated Friday the Seventeenth day of March, One thousand  
nine hundred and eighty nine

PRESENT

Hon'ble Shri S.P. Mukerji, Vice Chairman

REVIEW APPLICATION NO.18/89  
in OA 51/89

Shri Wazir Chand .. Review applicant.

Versus

1. Union of India, through  
the Secretary, Ministry of  
Railways, Rail Bhavan,  
New Delhi.

2. The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

3. The Chief Works Manager  
Jagadhri Workshop,  
Northern Railways,  
Distt. Ambala.

.. Respondents

Counsel for the Review  
applicant. .. Shri B.R.Sharma

Counsel for the respondents .. Nil

ORDER

Hon'ble Shri S.P.Mukerji, Vice Chairman.

In this Review Application dated 9-2-1989  
the applicant has prayed for a Review of the Order  
passed by me on 18-1-1989 in O.A.No.51/89. By that  
order the Original Application in which the applicant had  
sought a change in the recorded date of birth was  
rejected at the stage of admission itself under Section  
19(3) of the Administrative Tribunals Act. A number of  
rulings and arguments have been advanced in support  
of the contention of the Review applicant that ~~the~~ he  
even after retirement was entitled to get the recorded

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date of birth corrected on the production of authoritative documents. The <sup>Original</sup> application was rejected by me on the ground that he had himself got the impugned date of birth recorded in his service records on the basis of an affidavit filed by him when he entered service in 1953 and that he bestirred himself to correct the recorded date of birth, 35 years after he entered service. He had also not availed of the opportunity given by the Railway authorities to all and sundry in 1972-1973 to get the dates of birth corrected. It was held by me that unless there is irrefutable conclusive evidence, long standing entries in service records should not as a matter of public policy be changed. A few rulings were also cited by me.

2. From the records it appears that while sitting as a Single Member Bench I passed the order dated 18-1-1989 rejecting the application under Section 19(3) of the Administrative Tribunals Act at the admission stage. However in para 2 of the Order No. 1/32/87-JA dated 21.3.1988 passed by the Hon'ble Chairman, it has been laid down as follows:

"All cases specified in Para 1 above shall be posted for admission before a Single Member Bench. If the Single Member Bench is of the view that any such case is not fit for admission, it shall order such a case to be posted before a Bench of two Members."

In accordance with the aforesaid para since a Single Member Bench is not <sup>so</sup> authorised to reject the case at the stage of admission, I recall my order 18-1-1989 passed in OA No.51/89 and restore the application to

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its original number and direct that <sup>the original</sup> ~~this~~ application may be posted before a Division Bench of two Members for further orders in accordance with law. This order accordingly has nothing to do with the arguments advanced in the Review Application which stands disposed of on the above lines.

S.P.

(S.P. Mukerji)  
Vice Chairman  
17-3-1989