

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 2814/92

11.11.1992

Shri Kar Prasad Yadav

...Applicant.

۱۷۵

Union of India & Ors.

... Respondents

CORAM :

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant : Shri H.P. Chakravorty

For the Respondents . . . None

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?

JUDGEMENT (ORAL)

Shri Har Prasad Yadav, the applicant who retired as Conductor, Central Railway, Jhansi on 30.04.1991, is aggrieved by non disposal of the representation filed in October, 1990 in respect of his date of birth as 3.8.1934 on the basis of his school leaving certificate, a photocopy of which has been filed. This transfer certificate appears to be of Bipin Behari Intermediate College, Jhansi in which the applicant is said to have left in the year 1952 when he has failed in the High School Examination. In this the date of birth of the applicant in the column provided therein is recorded as 3.8.1934 in words, on the basis of which the applicant has prayed that his date of superannuation could have reached to 30.8.1992, while on the basis of his date of birth in the service record, he has been retired on 30.4.1991. I have

102

(3)

given a careful consideration to all these matters.

The learned counsel for the applicant has referred to a letter of ADRM dt. 7.6.1991 where there are certain notings in a proforma and in column-20, there is a noting that recommended in view of the authenticated transfer certificate and the report of CBT. However, this has not been disposed of though the said Memo appears to be sent to the competent authority as alleged in para-4.24 of the Original Application. I have also seen the original, but the copy furnished to the Tribunal is not the photocopy of the original because that appears to be hand written in the column provided therein. This application has been filed in October, 1992 when according to the own allegation of the applicant of alleged date of birth, he stands retired on 30.8.1992. The applicant, as per his own showing, has joined the service in 1954 and he has already completed 38 years of service. He has also been granted pension on that basis and the maximum outer limit of service is 33 years. I think no useful purpose will be served to further stretch the matter in view of the authority laid down by the Hon'ble Supreme Court in the case of Executive Engineer, Bhadrak (R&B) Division, Orissa & Ors. Vs. Rangadhar Mallik, reported in JT 1992 SC p-364. In this case the decision of the Orissa Tribunal was set aside. The petitioner of that case was not given personal hearing and it was so ordered by the Tribunal. There is also an observation in the body of the judgement that the applicant, who was appointed as a Gang Mulia on work charge basis giving his date

J...3...

4

of birth as 27.11.1928 and put his signature in the service roll accepting the date of birth did not take any step for the correction of date of birth till 9.9.1986. In the present case also, the applicant, who was employed in 1954 has given his date of birth as 29.4.1933 and for the first time he has made representation for the correction of date of birth in October, 1990, i.e., only six months before his retirement. The applicant has not come within active service period to the Tribunal for the redress of his grievance, if any. The present application is disposed of at the admission stage itself under Section 19(3) of the Administrative Tribunals Act, 1985 as not a fit case for adjudication being devoid of merit. However, the respondents, if they so desire, may consider the recommendation made by the ADRM, but it should not be treated as a direction. Costs easy.

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)
11.11.1992