

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(1)

* * *

O.A. NO. 567/1992

DATE OF DECISION : 04.03.92

SHRIMADAN MOHAN RAWAL

... APPLICANT

Vs.

UNION OF INDIA & ANR.

... RESPONDENTS

CORAM

SHRI J.P. SHARMA, HON'BLE MEMBER (J)

FOR THE APPLICANT

... SHRI SANT LAL

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?

ORDER (ORAL)

(DELIVERED BY SHRI J.P. SHARMA, HON'BLE MEMBER (J)

The applicant employed as Deputy Director, Central Electricity Authority and presently working as Deputy Chief Engineer on deputation in Water and Power Consultancy Services, filed this application assailing the orders passed on his representation for correction of date of birth on 7.4.88, 28.4.88 and 10.12.91 (Annexures A1 to A3 to the application respectively). He has further prayed that the respondents should consider the representation of the applicant in the line of fresh certificate issued by MCD (Annexure 4 to the application).

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(2)

2. I have heard the learned counsel. In this case, the applicant has applied for correction of his date of birth and the same was rejected by the order dt. 7.4.88. The contention of the learned counsel is that this order has been passed by Section Officer, who is not competent to pass such an order and so he had made another representation, which was also rejected on 28.4.88. Again the applicant made another representation relying his case on the case of Shankar Narayan Vs. UOI decided by the Central Administrative Tribunal that the limitation should not stand before the department concerned in disposing of the representation for correction of date of birth. Taking all these facts, the learned counsel pressed that the respondents have utterly failed to consider special certificate issued of date of birth by MCD enclosed at Annexure A4 to the application. This has been probably issued under Section 17 of Registration of Births and Deaths Act, 1969. The learned counsel, when the arguments were at the close and the order was being dictated, desired that let he be given an opportunity to file an application for condonation of delay.

3. The principles of natural justice, of course, demand that a reasonable opportunity should be given for a judicial review of an administrative order. During the course of the order being dictated, the learned counsel again insisted that he should be given an opportunity to move an application

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(3)

for condonation of delay. In view of the above facts, a detailed judgement will be passed subsequently.

J. P. SHARMA
(J.P. SHARMA)
MEMBER (J)
04.03.1992

06.03.1992

Later on the learned counsel for the Applicant, Shri Sant Lal requested in the Chamber on 5.3.92 that he be allowed to withdraw the ^{original} application with liberty to file afresh. The request of the learned counsel is, therefore, allowed. The ^{original} application is disposed of as withdrawn with liberty to file afresh subject to law of limitation.

J. P. SHARMA
(J.P. SHARMA)
MEMBER (J)
06.03.1992