

(3)

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

ORIGINAL APPLICATION NUMBER 789 OF 2005

ALLAHABAD THIS THE 20<sup>th</sup> DAY OF JULY 2005

HON'BLE MR. S. C. CHAUBE, MEMBER (A)  
HON'BLE MR. K. B. S. RAJAN, MEMBER (J)

Sudhir Chandra Srivastava,  
S/o late Rudra Prasad Srivastava,  
R/o 562 Ka Bichhiya Railway Colony,  
District-Gorakhpur.

.....Applicant

(By Advocate: Shri R. C. Singh)

1. Union of India through General Manager, N. E. Railway, Gorakhpur.
2. North Eastern Railway through its General Manager, District Gorakhpur.
3. Chief Material Manager (Printing & Technology), Office of Store Controller, N.E. Railway, District- Gorakhpur.

..... Respondents

(By Advocate: Shri A. K. Gaur)

**O R D E R**

**By Hon'ble Mr. S. C. Chaube, Member (A)**

The applicant who was posted as compositer Gr.I North Eastern Railway Printing Press has impugned order dated 05.07.2005 passed by the Chief Material Manager (Printing & Technology), Office of Store Controller, N. E. Railway, Gorakpur thereby removing the applicant from Railway Service with immediate effect.

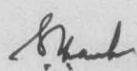
2. Briefly, the facts are that the applicant at the time of joining of Railway Service furnished his date of birth as

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26.12.1948 on the basis of transfer certificate issued by Shri Nirankar Vidyalaya Gorakhpur. A departmental enquiry was conducted. The charge against the applicant was that he had actually studied in D.B. Inter College as per record <sup>of</sup> ~~which~~ his date of birth was 04.08.1942. However, at the time of entering Railway Service he mentioned his date of birth as 26.12.1948 based on a fake transfer certificate issued by Shri Nirankar Vidyalaya Gorakhpur.

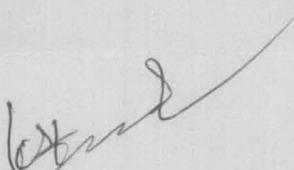
3. During the enquiry the charges against the applicant could not be substantiated and therefore, the disciplinary authority exonerated him from the charges leveled against him vide order dated 21.07.2004. Thereafter the Chief Material Manager, vide his order dated 11/19.01.2005 issued a show cause notice to the applicant calling for his explanation regarding manipulation of date of birth by the applicant from 04.08.1942 to 26.12.1948. The applicant vide his explanation dated nil (Annexure A-5) sent his explanation to chief Material Manager Office of Store Controller, North Eastern Railway, Gorakhpur who after carefully evaluating the submission made by the applicant ordered his removal from Railway Service vide order dated 05.07.2005.

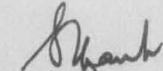
4. We have heard counsel for the parties and perused the petition. Learned counsel for the applicant stated that he would be satisfied if a direction is issued to the Revisionary Authority to consider and dispose of the representation filed by the applicant within a stipulated time frame. Accordingly the applicant is directed to file a representation by way of revision before the competent



authority i.e. General Manager North Eastern Railway, Gorakhpur who will pass a reasoned and speaking order within a period of 3 months from the date of receipt of the representation along with a copy of this order.

6. The O.A. is accordingly disposed off at the admission stage without any order as to costs.

  
Member (J)

  
Member (A)

Shukla/-