

LIBRARY

1

CENTRAL ADMINISTRATIVE TRIBUNAL KOLKATA BENCH, KOLKATA

O.A/350/1356/2018

Date of Order: 22.02.2021

Coram: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

Sudarshan Yadav, son of Sitram Yadav,
Trackman under SSE (P.Way), Naihati,
residing at Ranaghat Railway Colony, Post
Office - Ranaghat, District - Nadia, Pin
741201.

--Applicant.

-vs-

1. Union of India, service through the General Manager, Eastern Railway, Fairlie Place, 17, Netaji Subhas Road, Kolkata - 700001.
2. The Senior Divisional Engineer (Co-Ordin), Eastern Railway, Sealdah, Kolkata - 700014.
3. The Assistant Engineer, Eastern Railway, Kanchrapara, District: Nadia, Pin 743145.
4. The Senior Engineer (PW)/Mills, Eastern Railway, Shyamnagar at Naihati, District - North 24 Parganas, Pin 743165.

--Respondents

For The Applicant(s): Mr. A. P. Deb, counsel

For The Respondent(s): Mr. K. Sarkar, counsel

ORDER (ORAL)

Per: Ms. Bidisha Banerjee, Member (J):

Heard ld. counsel for both sides.

2. The applicant has sought for the following reliefs:

- a) To quash and/or set aside the speaking order No. ENGG/Court/Case/364/SC dated 10.01.2017.
- b) To pass an order or direction upon the competent authority (General Manager) of the respondent to pass a direction for taking officially necessary steps in order to insert the date of birth as

15.10.1976 instead of 05.04.1961 in the service record of the applicant.

c) To pass an order to cancel the date of birth dated 05.04.1961 wrongly recorded in the service book of the applicant at the earliest possible date.

d) Costs or incidental to and arising out of this application.

e) Any other order or orders as your Lordships may deem fit and proper by way of moulding reliefs.”

3. The applicant has challenged the speaking order dated where the following has been recorded:



“In compliance to the Hon’ble Tribunal’s order, the Divisional authority had investigated genuineness of the birth certificate from the concerned civil authority. It revealed from the records that as the re dated 08.06.2016 of Gram Vikash Adhikary, Murlichhapra, Dist.- Ballia, UP was not satisfactory, a letter dated 05.10.2016 followed by reminders, were issued to District Magistrate, Ballia, Uttar Pradesh for verification genuineness of the birth certificate of Sri Sudarshan Yadav. In response, District Magistrate Ballia vide his letter dated 29.12.2016 certified that the Birth Certificate dt. 16.3.2009 was not issued from the office of Block Developer Murlichhapra. Such certificate of DM/Ballia proves that the Birth certificate submitted by Sri Sudarshan Yadav original application before Hon’ble CAT/Calcutta as shown in Annexure A-2 has no existence.

It is evident from above discussion that his prayer for change of date of birth conflicts with para 13 of registrar of date of birth and death 1969 and rule 225(1) of Indian Railway Establishment Code Volume -I, Chapter-2.

In view of the observation made above and based on reply of District Magistrate, Ballia and relevant prove of Registration of Birth and Death Act, 1969 and Rule 225(1) of Indian Railway Establishment Code Volume -I, Chapter-2, prayer for alteration of date of birth from 5.4.61 to 15.10.76 as claimed is not tenable in accordance the law and accordingly his prayer in respect of change of date of birth is hereby rejected.

Matter has been disposed of accordingly as per above order of Hon’ble CAT/Calcutta.”

4. Ld. counsel for the applicant would vociferously plead that the respondent had not taken into consideration the certificate issued by the authority where the date of birth is shown as 15.10.1976. They have simply relied upon certain records given by the District Magistrate, Ballia which also support his claim that his date of birth as 15.10.1976 as registered in the family register at Serial No. 13 etc.

5. Both sides agree that the matter can be disposed of with a direction upon the authorities to check the veracity of the claim of the applicant, the genuineness of the birth certificate as contained in Annexure A-3 to the O.A and pass appropriate reasoned and speaking order within 4 weeks from the date of receipt of a copy of this order.

6. The O.A accordingly stands disposed of. No costs.



(Nandita Chatterjee)
Member (A)

(Bidisha Banerjee)
Member (J)

ss