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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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Registration O.A. No. 1383 of 1988

Guru Prasad Applicant.

Versus

Union of India
and others Respondents.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant after having been approved by the Railway Service Commission Bombay was appointed by the Chief Engineer, Central Railway Bombay as a Clerk in the office of the Divisional Engineer (Central) Railway, Jhansi on 3.6.1955. He retired from service in the year 1988. In the High School Certificate, the date of birth of the applicant is recorded as 20.6.1928 and according to the applicant his correct date of birth was 20.6.1988. From coming to learnt of the Railway Boards Circular dated 14.8.1972 for correction of the ages, the applicant also moved an application for correction of his age and filed Horescope regarding his date of birth but no reply was given to his representation. The applicant also applied in Nagar Palika Lakhimpur Kheri for issue of a copy of his date of birth certificate showing date of birth as 20.6.1928. As per his own request before the Assistant Engineer on 8.1.1982, the applicant was medically examined by the Senior Medical Superintendent who gave his report after examination of the applicant assessing his age to be 54 years. On 30.3.1982, the applicant received a letter from the office of the Divisional Manager, Central Railway Jhansi,

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that he is going to retire from the Railway Service on 30.6.1982. The applicant moved a writ petition before the High Court, in which earlier interim order was granted but latter on the ~~interim order~~ was vacated on 10.8.1982 with the direction that the proper remedy of the applicant is to file Civil Suit. In pursuance thereof, the applicant filed a Civil Suit which has been transferred to this Tribunal and the Tribunal remanded back the case to the respondents for deciding his representation. The representation of the applicant has been rejected by the respondents. Learned counsel for the applicant contended that no personal hearing was given to the applicant for deciding of his representation and his retirement order is violative of Art. 311(2) of the Constitution of India. On our view, it was within the jurisdiction of the authority to decide the representation of the applicant and no personal hearing of the applicant was needed if all the necessary documents were there, and merely because right or wrong date of birth, Art. 311(2) of the Constitution of India is not invoked. Accordingly, we do not find any merit in this case and it is hereby dismissed. No order as to costs.

Member(A)

Vice-Chairman

Dt: 21.1.1993

(n.u.)