

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 674 of 1999

Allahabad this the 06th day of July, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

Sudama Prasad Pateriya, Son of Sri Ram Bharosey,
resident of P.12/1, Zone-6, M.E.S. Talbeghat, Distt.
Lalitpur.

Applicant

By Advocate Shri K.P. Singh

Veraus

1. Union of India through Chief Engineer, Central Command, Lucknow.
2. Chief Engineer, Lucknow Zone, Lucknow.
3. Commander Works Engineer, Jhansi.
4. Assistant Garrison Engineer, Talbeghat, Jhansi.

Respondents

By Advocate Shri D.S. Shukla

O_R_D_E_R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

When Shri Sudama Prasad Pateriya entered into service, his date of birth was recorded as 07.07.1947. The Service Book was prepared on 20.11.76 at that time also the date of birth was entered as 07.07.1947, wherein it is also mention "Verified from School Leaving Certificate in original" As

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subsequent development, somebody complained that the applicant got mentioned a wrong date of birth, whereas his actual date of birth is 07.7.1939. The departmental authority rushed into action and proceeded to issue memorandum dated 18.02.1999, copy of which has been annexed as annexure-24 to the O.A. ^{In this annexure} ~~as this annexure, para-2~~ reads as under;

"Shri Sudama Prasad Pateria, Fitter Pipe(SK) is directed to submit within 10 days of the receipt of this Memorandum a written statement of his defence and also to state whether he desires to be heard in person."

In this memorandum, the applicant has been called upon to submit his defence in respect of imputation of misconduct or misbehaviour and the article of charges has been enclosed with this memorandum, which relates to dispute regarding his date of birth, but without waiting for any explanation from the side of the applicant, the respondents rushed to pass part-II order, copy of which has been annexed as annexure A-1 and impugned in this O.A. through which correction in the Service Record has been directed and to replace the figure 07.7.47 by 07.7.39. It goes to indicate ugly haste with motivated bias on the part of the authorities and the applicant has come up for redressal before the Tribunal.

2. Heard counsel for the parties and perused the record.

3. Shri K.P. Singh, learned counsel for the applicant narrated a long story as motive behind this deliberate action on the part of the respondents to harm

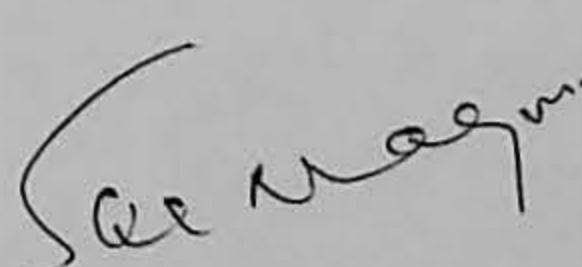
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the applicant without waiting a reply from him, whereas Shri D.S. Shukla emphatically tried to support the impugned order and referred the documents from the service record of the applicant, which he has produced for perusal and also took me through averments in the counter-reply.

4. There is prima-facie absurdity ⁱⁿ the action on the part of the authorities in the respondents establishment who resorted to uncalled for ugly ~~haste~~ hurry to pass the impugned order without waiting for reply from the side of the applicant who was called upon to explain the position as per memorandum dated 18.02.1999 (annexure-24). I do not agree with Shri D.S. Shukla who argued that the memorandum is in respect of disciplinary proceedings for which the article of charge was issued to the applicant and correction of date of birth is independently different matter. As per facts of the matter, obviously these actions are outcome of some event and, therefore, they cannot be distinguished as attempted by Shri Shukla.

5. For the above, there is no alternative but to quash the impugned order, which has been passed against the basic norms of natural justice and without following the rules in this regard. However, the respondents are not precluded from proceeding as per rules and circumstances of the case. The O.A. is disposed of accordingly. No order as to costs.


Member (J)

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