

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.248 OF 2003
ALLAHABAD THIS THE 24TH DAY OF MARCH,2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Mangali Prasad,
S/o Late Sri Dhani Ram,
R/o 778/118-A Sohbatiya Bagh,
Allahabad.

.....Applicant

(By Advocate Shri D.K. Pandey)

Versus

1. Union of India,
through its Secretary Defence,
New Delhi.

2. Director General Ordinance Depots,
Ministry of Defence,
New Delhi.

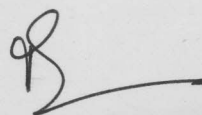
3. Commandant C.D.D. Chheoki,
Naini, Allahabad.

.....Respondents

(By Advocate Shri S.K. Anwar)

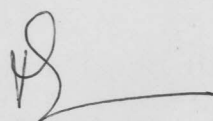
ORDER

By this O.A. applicant has sought a direction to the respondents to correct the Date of Birth of applicant as 06.12.1943 and to allow him to serve in the department till he attains the age of superannuation on 06.12.2003. He has also sought a direction to the respondents to correct the pay fixation of the applicant from 01.01.1996 at par with his juniors Mangal Shah and then revise pensionary benefits and payment of arrears accordingly. Today when the case was called out, counsel for the applicant made statement that



he would not ^{be} pressing as ~~even~~ ^{believe (W) B} otherwise the O.A. will be hit by Rule 10 of the C.A.T. Procedure Rule 1987.

2. His grievance in this case is that he was appointed in Central Ordinance Depot Chheoki, Naini, on 16.12.1963 and at that time he had given educational certificate to show his Date of Birth as 06.12.1943 and there are number of other documents issued by the department itself wherein his Date of Birth has ^{been B} shown as 06.12.1943 namely page 21 and 22 wherein his family details are shown by the department itself as back as in ^{the year B} 1985 and his Date of Birth is shown as 06.12.1943. Similarly even in the Identity Card issued to him on 26.03.2001 also his Date of Birth is shown as 06.12.1943 but yet when he gave his representation to the authorities to correct his Date of Birth, no reply was given to him and even though the court of enquiry was also held for this purpose which is evident from page 23 whereby a letter was issued to the applicant on 17.06.2000 to attend the enquiry on 21.06.2000 alongwith all relevant papers and similar direction was also given to the dealing clerk and office Assistant to bring the service record of applicant. It is submitted by the applicant that the out-come of said enquiry was not communicated to the applicant even though he furnished all the documents to show that his Date of Birth is 06.12.1943. On the contrary he has been retired with effect from 31.12.2002. therefore, finding no other remedy he had to file the present O.A. Counsel for the applicant also invited my attention to number of representations given by him to the authorities namely Annexure A-3,4,7,8 and even a legal notice dated 24.12.2002 which are all annexed with the O.A. but none of these representations have been decided by the authorities nor he has been communicated the decisions taken thereon by the authorities.



3. Learned counsel for the respondents was seeking time to file the reply but in this case since the documents filed by the applicant show that on the representation given by the applicant, respondents had even held a court of enquiry, therefore, I think no purpose would be served by calling for a reply at this stage from the respondents and this case can be decided at the admission stage itself by giving a direction to the respondents to communicate the out come of the court of enquiry and also to pass a speaking and ~~the~~ ^{Representation B} reasoned order on the ~~respondents~~ made by the applicant within a period of two months from the date of receipt of a copy of this order. The orders shall be communicated to the applicant and he would be at liberty to challenge the same in case he is so advised, ~~to do so.~~

4. With the above directions the O.A. is disposed of with no order as to costs.



Member-J

/Neelam/