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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
ALLAHABAD**

ORIGINAL APPLICATION NO. 1175 OF 2007.

ALLAHABAD THIS THE 30th DAY OF NOVEMBER, 2007

HON'BLE MR. P.K. CHATTERJI, MEMBER-A.

1. Brijendra Pathak, aged about 42 years, S/o Shri Bir Bhadra Pathak, R/o B-29/1 Ramanuj Court, Assi Pul, Varanasi.
2. Ram Vilash Singh, aged about 45 years, S/o Shri Ram Dular Singh R/o Village Hurahara P.O. Kori, Chandauli.
3. Shambhu Singh, aged about 45 years, S/o Shri Jai Nath Singh R/o C/o Ram Vilash Singh Village Hurahara P.O. Kori, District Chandauli.
4. Jang Bahadur, aged about 45 years, son of Shri Chhotey Lal R/o Village Dhamina, P.O. Sadalpura, Chandauli.
5. Jagdish Singh, aged about 45 years, S/o Shri Maniyar Singh R/o Village Daliya P.O. Kurhana, Mughalsarai.
6. Bihari Prasad, aged about 45 years, S/o Shri Chaturi Ram R/o Village & P.O. Sadalpura, Chandauli.

.....Applicants

(By Advocate: Shri R. Verma)

Versus

1. Union of India through General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. The Chief Traction Foreman (L.R.) North Central Railway, Mughalsari.

.....Respondents

(By Advocate: Shri P.N Rai)

O R D E R

There is no particular order/decision of the respondents that is being challenged in this O.A. However, the applicants are aggrieved, ^{not} although they are fully eligible for screening, ^{and} their names do not figure in the eligible candidates for screening. Although, the list has ^{not} been declared, but as stated

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by the applicants in para 4.16 of the O.A. on verification of the list^{at} the office of the officer concerned, ^{they} found that the names of the applicants are missing. It is also asserted by the applicants that they have been debarred from screening on the ground that all of them became over age on the cut off date i.e. 1.1.2006.

2. The applicants, however, contradicted this by saying that the respondents did not take into account the actual date of birth of the applicants and by using wrong date of birth, they have been debarred from screening on the plea of being over age. At Annexure nos. II, IV, VII, X, XIII and XVI, the applicants have given documents, which recorded the actual date of birth from their Schools/Colleges concerned. According to these documents, the candidates who belong to General and OBC category are within the maximum age as on 1.1.2006, Therefore, the applicants have made a request for giving suitable directions to the respondents to verify on the basis of these documents their actual date of birth and decide the matter whether they should be allowed in the screening test or not.

3. The learned counsel for the respondents Railways Sri P.N. Rai has stated that the screening is already over on 6.11.2007 and, therefore, it would not be possible for the respondents to make further screening. This has been contested by the

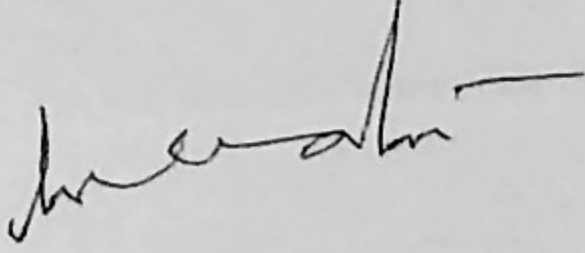
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learned counsel for the applicants, who says that ^{screening is an} on going process and if on actual verification of the date of birth, it is found that they are within the age, there is no reason why they should be debarred.

4. Having heard both the counsel and gone through the records, ^{I am of the} in ~~my~~ view that such a matter ~~which~~ need not be kept pending in the Tribunal for a decision. The only aspect which needs to be examined is whether the date of birth recorded in the documents attached to the O.A. is correct or otherwise. This aspect should be examined by the respondents. The documents which ^{are} already attached to this O.A., ^{and the OA} ~~which~~ may, therefore, be taken ^{as} representation on behalf of all the applicants. The respondents may verify the genuineness of these documents and if it is found that according to the correct date of birth they were eligible as on 1.1.2006, they should take a decision appropriate in the matter of screening, of-
^{subject to} course fulfillment of all other, requisite qualifications. If on verification the date of birth recorded in the documents are not found to be genuine, then appropriate action may be taken by the respondents.

5. With this, the O.A. stands disposed of, with no order as to costs.


MEMBER-A

GIRISH/-