

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 180 1988
DA No.

DATE OF DECISION 20/06/1988

Giga Bhagwan Chavda Petitioner

Shri R.R. Trivedi Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.H. Trivedi .. Vice Chairman

The Hon'ble Mr. P.M. Joshi .. Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether it needs to be circulated to other Benches of the Tribunal. No

Giga Bhagwan Chawda,
Retired Shunter, W.Rly.,
At present residing at
Gondal.
(Shri R.R. Trivedi - Adv.)

.. Applicant

Versus

1. Union of India, through,
General Manager, W.Rly.,
Churchgate, Bombay.
2. Divisional Railway Manager,
W.Rly., Kothi Compound,
Rajkot.

.. Respondents

O R A L O R D E R

20/06/1988.

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

In this matter, the petitioner Shri Giga Bhagwan Chawda (a retired railway employee) has filed an application under section 19 of the Administrative Tribunals Act, 1985 on 11.3.1988, wherein he has claimed that his correct date of birth is 1.8.1934. According to him, his date of birth has been wrongly recorded as 17.9.1929 in the service record. It is alleged that even though he has made several representations in this regard, his claim has not been correctly decided.

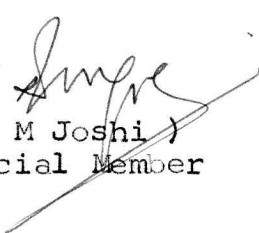
2. Mr. D.G.Karia for R.R.Trivedi learned counsel for the petitioner states that even though his previous request which was made in the year 1968 has been turned down in the year 1970 and 1973, he made fresh representation in the notice under section 80 of C.P.C. on 29.10.1987 and accordingly when the Divisional Railway Manager has referred to decide, the application claim is within limitation. We do not find any force in the submission made in this regard.

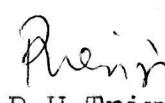
3. It is now well settled that once the cause has accrued and it has been allowed to become stale,

subsequent representations if any, made would not keep the cause alive (see Dr. Smt. Kshama Kapur v. Union of India 1988 (i) S.L.J. 548).

4. Admittedly, the petitioner made representation in the year 1968 and requested the authorities to alter his date of birth. The decision taken in this regard is conveyed to the petitioner in the year 1970 and 1973 (see A/12 dt. 6.11.1973). Thus the same cause or claim cannot be reagitated or revived by making fresh representation in the year 1987.

In matters, where the grievance has occurred three years prior to the establishment of the Tribunal, we have no jurisdiction to entertain the same under section 21 of the Administrative Tribunals Act, 1985. We therefore refrain to examine the merits of petitioner's claim. The application is accordingly rejected at the admission stage.


(P M Joshi)
Judicial Member


(P H Trivedi)
Vice Chairman

*Mogera