

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 124 of 1992
~~XXXXXX~~

DATE OF DECISION 27.3.1992

Shri Vasantlal K. Parmar Petitioner

Shri D.K. Mehta Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr. R. Venkatesan : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Vasantlal K. Parmar,
6, Suryanagar Society,
Near Gandhi Ashram P.O.,
Ahmedabad -380 027.

: Applicant

(Advocate : Shri D.K. Mehta)

VS.

1. Union of India, through
The General Manager,
Western Railway,
Churchgate,
Bombay.
2. Divisional Superintendent (E)
Western Railway,
Baroda Division,
Baroda.

: Respondents

(Advocate : Shri N.S. Shevde)

O R A L - O R D E R

O.A.No.124 of 1992

Date : 27.3.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

Heard learned advocate Mr. D.K. Mehta, for the applicant and Shri N.S. Shevde, learned advocate for the respondents. The applicant has filed this application seeking relief to quash and set aside the order, annexure A/2, dated 1.3.1977 and annexure A/3 dated 21.11.1992. The attention of the learned advocate for the applicant was drawn to the letter, annexure A/3, which is the letter sent to the Member of Parliament by Minister of State for Railway, ^{re require to be} ~~came for contention~~ ^{re read} hence it does not ~~come for contention~~ ~~be quashed~~. The learned advocate for the applicant did agree to this proposition and did not press that the ~~document~~ ^{re} said ~~order can~~ be quashed. The only question is whether

(D)

the order, annexure A/2, requires to be quashed. The learned advocate for the applicant submitted that the question of birth date of the applicant was not considered by the Senior DCS on the ground that the applicant had not availed the opportunity for correction of his birth date till 31.7.1973. He attacked this order on two grounds viz., Senior DCS is not competent authority to decide the question of date of birth and secondly that the cut out date of 31.7.1973 mentioned in that order annexure A/2 was not legal. We agree with the submission that the cut off date shown in annexure A/2 is not legal in view of the Full Bench decision of Central Administrative Tribunal, Hyderabad Bench in the case of Shri. Mallela Sreerama Murthy and Ors. Vs. Union of India and Ors. reported in 1990 LAB I.C. pg. 547. Learned advocate for the respondents submitted that this application is barred by limitation. Learned advocate for the applicant submitted that he had made representation vide, annexure A/6 dated 17/20.8.1990 to the Chairman, Railway Board in which he has made reference to his earlier representation and requests made. The applicant has also mentioned in para 4 (v) of the application the years in which he made representation. Learned advocate for the applicant submitted that the respondents or the competent authority may consider the question of date of birth of the applicant and the same be disposed of according to law.

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Learned advocate for the respondents submitted that the respondents would also be entitled to consider the legal position as to whether the applicant can again make such representation.

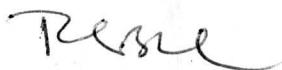
2. Having heard the learned advocates, we pass the following order :-

O R D E R

The application is partly allowed with the following directions :-

The respondents or their competent authority to reconsider the question of the birth date of the applicant according to law. It would be open to the respondents to consider all the question which arise before them. The respondents may give opportunity to the applicant of being heard and then dispose of the grievance of the applicant on merits. The respondents or the competent authority to decide the question of applicant's birth date by 20th June, 1992. The application is disposed of with no order as to costs.


(R. Venkatesan)
Member (A)


(R.C. Bhatt)
Member (J)