

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.41 of 1990.

Date of decision: July 24,1991.

Sultan Ahmed Khan ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ...M/s.P.Palit,
B.Mohanty,
A.Kanungo, Advocates.

For the respondents ... Mr.D.N.Misra,
Standing Counsel (Railways)

C O R A M:

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *No*
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes.

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THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

J U D G M E N T

N.SENGUPTA, MEMBER (J) This is an application, substantially the relief claimed being correction of date of birth.

Admittedly, the applicant entered into Railway Service under the then Bengal Nagpur Railway in the year 1949 and at that time his year of birth as recorded in the Service Book was 1931. At the fag end of his service in the year 1988 he made a representation to record his date of birth as 9.7.1935 and in support of this prayer of his, he filed a duplicate transfer certificate from Government Multipurpose Higher Secondary School, Raipur, Madhya Pradesh (SASAKIYA BAHUJDESIYA UCHHATAR MADHYAMIK SALA, Raipur, Madhya Pradesh) - the certificate is in Hindi script.

On a perusal of the averments made in the application it would be apparent that the applicant had made previous representations even prior to 1988, however admittedly he made a representation for correction of his date of

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birth in the early part of 1938. This case was filed in February, 1990 i.e. beyond a period of 1½ years from the date of making representation, accordingly the claim of the applicant is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. Therefore, it is not necessary to enter into a discussion about the merits of the case. According to the counter, filed by the Railway Administration on whose behalf Mr. D.N. Misra, learned Standing Counsel (Railways) has been heard, the year of birth could not have been 1935 inasmuch as by 1943 no person below the age of 18 could be appointed. It may, of course, be added that the applicant retired and has accepted all the retirement benefits on the basis of his month of birth being January, 1931. In this view of the matter, the applicant cannot be granted any relief.

2. The case is accordingly disposed of. No costs.



Central Administrative Tribunal,
Cuttack Bench, Cuttack.
July 24, 1991/Sarang.

Mea Singh
.....
Member (Judicial)