

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 123 OF 1999.

Cuttack, this the 13th day of November, 2000.

Alekh Gochhayat. ....

Applicant.

Vrs.

Union of India & Others. ...

Respondents.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

SOMNATH SOM  
VICE-CHAIRMAN  
13/11/2000

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 123 OF 1999.  
Cuttack, this the 13th day of November, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

Alekh Gochhayat,  
Aged about 53 years,  
S/o. Late Laxmidhar Gochhayat,  
Vill. Ibrising, PO: Ibrising,  
Ps: Tirtol, Dist. Jagatsinghpur. . . . . Applicant.

By legal practitioner: M/s. B. P. Patnaik,  
P. K. Nayak,  
S. K. Ray,  
A. K. Mohanty,  
S. K. Nayak,  
Advocates.

- Versus -

1. Unnon of India represented through  
the General Manager, South Eastern Rly.,  
Garden Reach, Calcutta-43.
2. Senior Divisional Personal Officer,  
South Eastern Railway,  
Khargpur,  
At/PO: Kharagpur, West Bengal. . . . . Respondents.

By legal practitioner: Mr. C. R. Mishra,  
Additional Standing Counsel.

J. J. M.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for a direction to the Respondents to determine his pension afresh holding him as a Fitter Grade-II instead of Fitter Grade-III. The second prayer is for a direction to the Respondents to accept the date of birth of the applicant as 10.5.1946 instead of 28.10.1937 and direct for payment of all consequential benefits to him. Respondents have filed counter opposing the prayers of applicant. When the matter was called learned counsel for the applicant and his associates were absent. No request has also been mentioned on their behalf seeking adjournment. As this is a pensionary matter, it is not possible to drag on the matter indefinitely. We have, therefore, heard Mr. C. R. Mishra, learned Additional Standing Counsel for the Respondents and have also perused the records.

2. For the purpose of considering this Original Application it is not necessary to refer to all the averments made by the parties in their pleadings. The relevant portions will be referred to while considering the prayers of the applicant.

3. The first prayer of the applicant is for fixing his pension treating him as Fitter Gr.II. Respondents in para-2 of their counter have stated that the applicant was promoted to the post of Fitter Grade II in the scale of Rs. 1200-1800/- w.e.f. 19.6.1995 and his pay was fixed at Fitter Gr.II at the level of Rs.1260/-. Respondents have further stated in para 4 of their counter that taking into account the applicant's last pay drawn at Rs.1260/- as Fitter Gr.II his pension was fixed. From the above, it is clear that

Applicant's pension has been fixed on the basis of his pay as Fitter Gr.II and therefore, this prayer of the applicant has been allowed by the Respondents and has become infructuous.

4. Second prayer of the applicant is that for correction of his date of birth from 28.10.1937 to 10.5.1946. In support of his prayer, the applicant has only enclosed the transfer certificate purportedly issued from Bhaktamadhu Bidyapitha on 15.7.1978. Respondents have stated that this certificate filed by the applicant was sent to the Headmaster, Bhaktamadhu Bidyapitha and the Headmaster reported in his endorsement dated 30.3.95 that this certificate has not been issued from that Institution. Respondents have enclosed the certificate alongwith the Headmaster's endorsement at Annexure-R/4. In view of this, it is clear that the certificate on which applicant relies for correction of his date of birth being a forged certificate, this prayer can not be allowed. Moreover, Respondents have pointed out that for submitting such certificate, Departmental Proceedings have been drawn up against the applicant but as during the pendency of the disciplinary proceedings, applicant retired and prayed payment of retirement dues, the proceedings were dropped and retirement dues were paid to him as per Rules. In view of the above, we hold that the applicant is not entitled for correction of his date of birth. It is also to be noted that the applicant retired in 1995 and only at the fag end of his service career, he came up with the prayer for correction of his date of birth. This OA has also been filed in 1999 i.e. after the period of limitation, the applicant having retired in 1995.

SJM

5. In the result, therefore, we hold that the application is without any merit and the same is rejected. No costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

SOONATH SONG  
VICE-CHAIRMAN

KNM/CM.