

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 133/2003

Friday, this the 21st day of February, 2003.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

M.K. Sayed Abdulla Koya,
S/o Sayed Koya K.P.V.,
Block Development Officer/
Sub Divisional Officer,
Lakshadweep,
Now on deputation as Manager,
General Administration and
Co-ordination, Lakshadweep
Development Corporation,
Kochi.

... Applicant

(By Advocate Mr. P.V. Mohanan)

Vs

1. The Secretary to Government of India,
Ministry of Home Affairs,
New Delhi.
2. The Administrator,
Union Territory of Lakshadweep,
Kavaratti.

... Respondents

(By Mr. S. Radhakrishnan)

The application having been heard on 21.2.2003, the Tribunal on the same day delivered the following :

ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who commenced his service as a Lower Division Clerk on 12.12.1996 under the Lakshadweep Administration has filed this application praying that the respondents be directed to consider and dispose of Annexure A8 representation dated 29.7.2002 and to correct the date of birth of the applicant in service records as 9.11.1948 instead of 4.10.1944 by relaxing

the rigour contained in note 6 (a) of FR 56 as amended by Notification No.19017/76/79-Estt. dated 30.11.1979 published as S.O. No.3997 in the Government of India Gazette dated 15.12.1979. It is alleged in the application that the applicant's date of birth entered in the Service Register was 4.10.1944 instead of 9.11.1948, that he came to know the mistake in the year 1989, that he obtained a certificate from the Registrar of Births and Deaths (Annexure A1) which shows that his date of birth is 9.11.1948, that his request for alteration of the date of birth made on 28.7.1989 was unjustifiably rejected, that his repeated representations although recommended by the Administration were ultimately rejected by the impugned orders Annexure A5, A6 and A7, that thereafter he made another representation Annexure A8 on 29.7.2002 and that in the particular facts and circumstances respondents are bound to relax the rigour contained in note 6(a) of FR 56 as amended by Notification No.19017/7/79-Estt. dated 30.11.1979 published as S.O. No.3997 in the Government of India Gazette dated 15.12.1979.

2. I have perused the application and all the material placed on record and have heard Shri P.V. Mohanan, the learned counsel for the applicant and Shri S. Radhakrishnan, the learned counsel for the respondents.

3. I find that the claim of the applicant is totally barred by limitation. The applicant should have within a period of 5 years from 30.11.1979 sought for alteration in the date of birth,

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which was not done by him. That the applicant belongs to ST community of Lakshadweep is not a valid reason to give a further relaxation in this case. The applicant is not an illiterate. The claim of the applicant had already been turned down by Annexure A5 dated 4.12.1998, and subsequent order dated 10.5.1999 and 24.12.2001 stating that there was no case for reconsideration. Under these circumstances I find no subsisting cause of action to the applicant.

4. The claim of the applicant is hopelessly barred by limitation and therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Dated the 21st February, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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