

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
T.A. No.

187

1991

DATE OF DECISION

5.2.91

N. P. Gopalan

Applicant (s)

Mr. P. Sivan Pillai

Advocate for the Applicant (s)

Versus
UOI through Gnl. Manager,
Southern Rly, Madras-3 & another
Respondent (s)

Mr. M C. Cherian

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. A. V. HARIDASAN, JUDICIAL MEMBER

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. To be circulated to all Benches of the Tribunal?

JUDGEMENT

SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant was informed by Annexure-A-2 letter dated 3.1.1991 of the second respondent that his request for alteration of the date of birth at a belated stage cannot be complied with. He was, however, advised to get his school records altered and then seek alteration of the date of birth in official records.

2. In pursuance of this direction, the applicant approached the authorities concerned in the Government of Tamil Nadu and he has produced AnnexureA-3 proceedings of the Director of School Education, Tamil Nadu dated 18.1.91. stating that under their scheme there is no provision under the rules to alter the entries in the certificates they issued.

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3. In this view of the matter, the applicant has prayed for two principal reliefs:

- (a) To call for the records leading to the issue of Annexure A-2 and quash the same;
- (b) To direct the respondents to consider the representation of the applicant for correction of his date of birth based on the materials placed by him and giving an opportunity to produce further material required and dispose of the representation in accordance with law without insisting upon the correction of date of birth by Educational Authorities.

4. When the case was admitted, the learned counsel for the applicant submitted that in the above circumstances the application itself could be disposed of by directing the second respondent to consider the representations referred to in Annexure A-2 letter independently, without requiring the applicant to produce an altered school certificate. We, therefore, put this suggestion to the learned counsel for the respondents. Though he did not raise any objection, his reply was noncommittal.

5. In our view, this is a case where a final order can be passed without waiting for a detailed reply from the respondents, by issuing suitable instructions. Therefore, in the light of the averments made and the statements made by the counsel, ^{we} quash Annexure-2 and we direct the second respondent to consider the representations dated 20.11.1990 and 25.12.1990 referred to therein, without insisting on the production of any altered school certificate and either dispose of the said representations himself or transmit them to the competent authority for disposal in accordance with law. As the applicant is to retire on 28.2.1991 according to the date of birth now in the records, we hope that the authorities concerned will dispose of the said representations as expeditiously as possible.

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8. The application is disposed of as above.
9. Copy of the order be given to counsel appearing for both sides immediately.



(A. V. Haridasan)
Judicial Member



(N. V. Krishnan)
Administrative Member

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