

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
XXXXXX

194

1991

DATE OF DECISION 6.2.1991

P.Kolanda Vel _____ Applicant (s)

Mr.P.Sivan Pillai _____ Advocate for the Applicant (s)

Versus

UOI rep. by The General Manager Respondent (s)
Southern Railway, Madras & Another

M/s MC Cherian & TA Rajan _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

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

(Mr AV Haridasan, Judicial Member)

In this application, the applicant who as per the entry in the service record is to superannuate on 28.2.1991 has filed this application praying that the respondents may be directed to consider the representation made by the applicant for effecting change in his date of birth on the basis of the materials produced by him, without insisting on the production of a certificate issued by the educational authorities. It has been averred in the application that though in the service record, the date of his birth was recorded as 9.2.1933, he was really born on 19.10.1933, that he has obtained an order from the Court of the Judicial

Magistrate of the First Class, Kangayam, Periar directing the Municipal authorities to register the date of birth of the applicant as 19.10.1933 instead of 9.2.1933 and that though this document was produced in support of his claim for change of date of birth entered in the official records, the Senior Divisional Personnel Officer, Southern Railway, Palghat Division has rejected his request insisting on production of a certificate issued by the educational authorities. It is further averred that pursuant to this insistence by the Railway Authorities though the applicant approached the educational authorities for a certificate as required by the Railway, the Educational Authorities have rejected his request stating that as per the rules, it was not possible to make a change in the educational records regarding date of birth. A communication received by the applicant from the educational authorities in this regard has been produced as Annexure-A3. Since the educational authorities have purportedly relying on the rules on the subject declined to issue a certificate and since the applicant has produced an order from the Court of the Judicial Magistrate First Class, Kangayam, it appears that it is not reasonable to insist that a certificate from educational authorities should be produced.

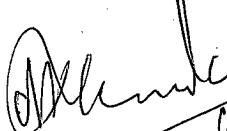
2. Having heard the learned counsel on either side, we admit the application and dispose of the same with the direction to the second respondent to forward the Annexure-A1

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representation of the applicant with the supporting documents produced by him within a week from the date of communication of this order to the General Manager, Southern Railway, Madras (Respondent No.1) and with a further direction to the General Manager, Southern Railway, Madras to dispose of the representation in accordance with law and in the light of the observations made in the foregoing paragraph as expeditiously as possible, preferably before 28.2.1991.

There is no order as to costs.

3. A copy of this order be given to the learned counsel for the parties by hand on priority basis.


(AV HARIDASAN)
JUDICIAL MEMBER

6-2-91


(SP MUKERJI)
VICE CHAIRMAN

6-2-1991

trs