

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.411/2004.

Tuesday this the 8th day of June 2004.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.Kesavan, Editor, Yojana (Mal),
Thiruvananthapuram. Applicant

(By Advocate Shri.G.K.Namboothiry)

Vs.

Union of India, represented by its
Secretary, Ministry of Information and
Broadcasting, Government of India,
New Delhi. Respondent

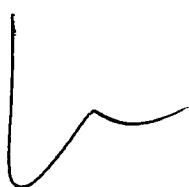
(By Advocate Mrs.P.Vani, ACGSC)

The application having been heard on 8.6.2004,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

The applicant was working as Editor, Yojana(Mal), Thiruvananthapuram under the Ministry of Information and Broadcasting, New Delhi. He claims that in the Register of Birth and Death, his actual date of birth entered as 24.3.1122 ME (equivalent to 10.11.1946). But in the Service Book and School Admission Register it is shown as 14.11.1945, which according to him is wrong. He approached the Grama Panchayat, Koothattukulam where he was born and found in the Register of birth and death as 24.3.1122, in Malayalam Era, which is equivalent to 14.11.1945 and not 10.11.1946 as shown in the Service Book. He made a representation to the Secretary, M/o Information and Broadcasting on 3.7.2003 which was rejected by A-1 order dated 22.3.2004, stating that his case has been considered sympathetically in the Ministry and however, it had not been found possible to accede to the same in terms of note 6 below FR-56.



2. When the matter came up before the Bench, Shri G.K.Namboothiry appeared for the applicant and Mrs. P.Vani, ACGSC appeared for the respondents.

3. Learned counsel for the applicant submitted that the impugned order was issued without application of mind or appreciating the note 6 below FR 56. He has pointed out before the Court Clause (b) which is quoted as follows:

"If the applicant proves that a genuine bonafide mistake has occurred, the correction has to be allowed."

4. Learned counsel for the applicant submitted that the applicant would be satisfied if the applicant is permitted to make a fresh representation to the respondent and a limited direction is given to the respondent to consider and dispose of his case afresh with reference to the rule position and the guidelines, precedents available on the subject within a stipulated time.

5. Learned counsel for the respondents submitted that he has no objection in adopting such a course of action provided A-1 impugned order will not be set aside.

6. Considering the above aspects this Court is of the view that if such a direction is given to the respondent it will meet the ends of justice.

7. Accordingly, this Court permits the applicant to make a



fresh representation to the respondent within three weeks and directs the respondent to consider and dispose of the applicant's representation and pass appropriate orders within a period of four months from the date of receipt of such representation. In the circumstance, this Court is not setting aside Annexure A-1.

8. O.A. is disposed of at the admission stage itself. In the circumstance no order as to costs.

Dated the 8th June, 2004.


K.V. SACHIDANANDAN
JUDICIAL MEMBER

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