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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW.

O.A. NO. 250 of 1991

Jaswant Singh Applicant

Versus

Presiding Officer, C.S.I .T. & M. no ., Lucknow.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Chyava, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

1. The applicant is a member of the Indian Labour Tribunal concerning the matter of the applicant and holding that the Union has failed to prove by any current and reliable evidence that the date of birth of the applicant is 15.7.27 and, therefore, the action of the respondent was not unjustified and the applicant was not entitled to any relief.

2. The applicant was an employee of the Prakash Lok-Motive Workshop and on 15.7.74, he was appointed as an electrician in the workshop (Military) at Jhalaur in July, 1944 and was called from there in April, 1946 and he was called back to the applicant's service and he was called back to the workshop. Thereafter, he joined Northern Railway at Lucknow in November, 1961 and in the year 1973 he was declared medically unfit for the job and he was sent to DRH Office for observation and he was called back to the workshop on 15.7.74 but was declared as MIL (Skilled) worker in Lucknow Workshop on 24.7.71 and he was called back to the workshop for 10 days as a break in service. The applicant approached the Labour Tribunal and the Labour Tribunal and not the Civil Laws which were treated as a break in service. It is clear that the mistake was committed by the respondents inasmuch as they have shown the date of the applicant as 15 years and he was called back to the workshop.

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the Army Service and not on the date when he was released and that is why his date of birth was mentioned as 15.7.25. The applicant has retired on 31.7.83. Even before his retirement, the applicant made a representation which was rejected vide order dated 22.12.82. The order indicates that the age of the applicant was 19 years when he entered the Army Service illegally and not on the date when he was released. Learned counsel for the applicant has contended that the Discharge-certificate, which has been filed on record, was not considered by the Labour Tribunal and that is why an error was committed. At the time of completion of the Form against the column of age, the applicant's age is mentioned as 19 years and it appears that it was the same age which was given by the applicant as the applicant could not have been taken at least in Army Service when he was below the age of 18 years. The reasons, which were given by the respondents and which were accepted by the Labour Tribunal, that the applicant was of 19 years of age when he entered the service and not on the date when he was released, are valid and well reasons. Merely because the doctor issued a certificate and from the certificate of the doctor a certificate, it cannot be said that he is younger by two years. That is not a conclusive evidence as the opinion of the doctor can vary from one to two years. Accordingly, we do not find any merit in the application and it is dismissed. No order as to costs.

MEMBER (A)

VICE CHAIRMAN.

DATE: SEPTEMBER 14, 1992

(uc)

Dr. B. S. Chandra Shekhar (SINCE 1981),
Lucknow.

Case No. 250 - 1991 (1).

Jaswant Singh

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Union of India, & Others.

Application under Section 13 of the Administrative
Act, 1968, 1980.

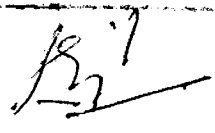
Title of the Case:-

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| 1. | Application. | 1-10 |
| 2. | Annexure No. 1 | 11-16 |
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| 4. | Annexure No. 3 | 18 |
| 5. | Postal Order (with Original only). | |
| 6. | Power (Original). | |

Lucknow: Dated:

26th July, 1991.


Signature of Applicant.

Seal of Applicant.