

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
NEW BOMBAY BENCH

O.A. No. 52 of 1988 198
~~TAXX NOX~~

DATE OF DECISION 13.4.1988

Shri Abdul Gafoor Abdul Rahim Petitioner
Quareshi.

Shri S.B. Kasar Advocate for the Petitioner(s)

Versus

General Manager, Central Rly., Respondent
Bombay.

Shri T.D. Ghaisas, Law Asstt. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. L.H.A. Rego, Member(A)

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. Whether it needs to be circulated to other Benches of the Tribunal?

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.52 of 1988

Shri Abdul Gafoor
Addul Rahim Qureshi,
Railway Quarter No.586-A,
Church Road, Near European
Cemetery,
Bhusaval.

.. Applicant

V/s.

1. General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Bhusaval

.. Respondents

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil
Hon'ble Member(A), Shri L.H.A. Rego

Appearance:

1. Shri S.B.Kasar
Advocate
for the applicant
2. Shri T.D.Ghaisas,
Law Assistant
for the respondents.

ORAL JUDGMENT:-

Date: 13/4/1988

(PER: Shri B.C.Gadgil, Vice-Chairman)

We have heard Shri S.B. Kasar, Advocate for the applicant and Shri T.D.Ghaisas, Law Assistant of the railway for the respondents. In our opinion this matter deserves to be summarily dismissed for the following reasons.

2. The applicant was a railway employee. In the service book his birth date was recorded as 13.2.1928.

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According to him, the correct date is 12.11.1930.

He made an application to the department on 23.1.1983 for such correction. However, he did not receive any reply. Ultimately, on 7.1.1986, he was informed that he would stand superannuated on 28.2.1986. This Superannuation was on the basis of the birth date as mentioned in the service record. The applicant was retired on 28.2.1986. The applicant has filed the present application for declaration ^{the of} his birth date is 12.11.1930. We have already observed, that the applicant has made representation in 1973 about the alleged incorrect record of birth date. He did not take any action for over 14 years. Mr. Kasar contended, that the applicant was reminding the administration to make the necessary corrections and that it is for this reason that the applicant did not file any proceeding. This explanation appears to be far from satisfactory.

Apart from that, what is important is that the applicant ^{actually} ~~virtually~~ retired in February, 1986. At any rate, the applicant should have ^{been} filed an application within one year from ^{the} date of his retirement. He has not done so. No valid reason was given for not filing the application within one year from 28.2.1986. Even on this ground, the application fails and is, therefore, summarily dismissed.


(L.H.A. Rego) 13.4.1988
Member (A)


(B.C. Gadgil)
Vice-Chairman