

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

DATED THIS THE TWENTY SECOND DAY OF JANUARY, 1987

Present: Hon'ble Shri Ch.Ramakrishna Rao Member(J)

Hon'ble Shri P.Srinivasan Member(A)

APPLICATION NO. R.A.10/87.

Lakshminarayana,
Inspector of Excise,
Headquarters Customs-Preventive,
Office of the Collector of Customs,
Bangalore - 560 001.

... APPLICANT

(Shri .S.Vasanth Kumar ... Advocate)

Vs.

1.The Union of India,
represented by the Secretary,
Ministry of Home Affairs,
Department of Personnel and
Administrative Reforms,
New Delhi.

2.The Collector of Central Excise and Customs,
Central Revenue Building,
Queens Road,
P.B.No.5400,
Bangalore - 560 001.

3.The Secretary,
Central Board of Excise and Customs,
New Delhi.

... RESPONDENTS

This application has come up before the court today.

Hon'ble Shri Ch.Ramakrishna Rao, Member(J) made the following:

O R D E R

In this Review Application made under section 22(3)(f) of the Administrative Tribunals Act, 1985, the applicant wants us to review the decision rendered by us in Application No.330/86 by our order dated 7.11.1986.

2. Shri Vasanth Kumar, learned counsel for the applicant placed before us two grounds for reviewing our order namely -

(i) that we had rejected the application on the ground that the representation for change of date of birth before the authorities was belated in terms of Rule 79 of the General Financial Rules (GFR) 1963, even though that



rule had not been relied upon by the respondents before us; and

(ii) that in para 5 of our order we had given the impression that the applicant was trying to gain a double advantage by giving one date of birth in the first instance and trying to change it now.

3. We must clarify that when we consider an application for review we are not permitted to sit in appeal over our own order and to reconsider the opinion expressed by us in the original order. So far as the matter of delay is ^{Concerned} ~~concerned~~ we applied our mind and felt that it was a salutary principle not to disturb the date of birth of a Government Servant after the lapse of a long time after his entry into Government service, because there has to be some finality in regard to service records and they cannot be altered from time to time throughout the career of the Government servant. It was in this connection that we referred to rule 79 of GFR 1963. Our recollection is that counsel for respondents did mention this rule and the time limit laid down therein for making representations about change of date of birth. Even if he did not, Rules published by the Government are public documents and rule 79 of GFR had particular relevance to the point in dispute before us. We, therefore, do not find any merit in the contention that we should reconsider the question of delay in the representation made by the applicant to the authorities for altering his date of birth. As we have said earlier we are not sitting in appeal over our earlier order and, therefore, we see no reason to review our order on this ground.

4. As for the second ground we would like to dispel any impression that may have been created by our order that the applicant was attempting to gain a double advantage. We were merely explaining why a belated application for change of date of birth should not normally be entertained and in

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this connection we felt that it was possible that in a give case that a person might have given a wrong date of birth when entering service whether deliberately or by mistake and ~~had~~ derived an advantage by doing so. In such a case if he subsequently makes a representation to have that mistake corrected, it would obviously not be correct to allow it and to let him derive a double advantage. It was certainly not on our mind that the applicant had attempted to do this. We were only talking of a hypothetical possibility and even there we merely said that " it becomes difficult to ascertain whether he had derived any advantage which would not have been available to him otherwise." Therefore, we definitely did not mean to say that the applicant himself was actually trying to gain a double advantage. At the risk of repetition the rationale of our order was that a representation for change of date of birth should normally not be entertained many years after it had been recorded on the basis of information furnished by the Government servant himself.

5. In the result the Review Application is dismissed at the stage of admission itself.

C. S. Dhami
MEMBER(J) 22/1/87

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MEMBER(A) 22/1/87

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