

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Commercial Complex (BDA)

Indiranagar

Bangalore - 560 038

Dated : 22 MAR 1989

APPLICATION NO (x) 1782

/ 88(F)

W.P. NO (S)

Applicant (x)

Shri M. Padmanabhan

To

v/s

The Chief Personnel Officer, Southern Railway,
Madras & another

1. Shri M. Padmanabhan
No. 325, 7th Cross
Srirampuram
Bangalore - 560 021

4. The Divisional Personnel Officer
Southern Railway
Bangalore Division
Bangalore - 560 023

2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar, II Phase
Bangalore - 560 050

5. Shri M. Sreerangaiah
Railway Advocate
No. 3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

3. The Chief Personnel Officer
Southern Railway
Park Town
Madras - 600 003

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY ORDER
passed by this Tribunal in the above said application(s) on 17-3-89.

R.D. [Signature]
DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

otc

Issued
16.03.89
22.3.89

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 17TH DAY OF MARCH, 1989.

PRESENT:

Hon'ble Mr. Justice K.S.Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A.Rego,

Member(A).

APPLICATION NUMBER 1782 OF 1988

M. Padmanabhan,
S/o Masilamani,
Aged about 50 years,
R/o No.325, 7th Cross,
Bangalore-21.

.. Petitioner.

(By Sri M.Raghavendrachar, Advocate)

v

1. Chief Personnel Officer,
Southern Railway, Madras-600 003.
2. Divisional Personnel Officer,
Bangalore Division, Bangalore.

.. Respondents.

(By Sri M.Sreerangaiah, Advocate).

This application having come up for hearing this day, Hon'ble Vice-Chairman made the following:

O R D E R

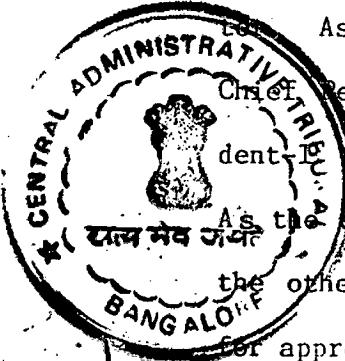
This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. Sri M.Padmanabhan, the applicant before us, who joined service on 3-3-1958 as a Ticket Collector ('TC'), is now working as a Traveling Ticket Inspector ('TTI').

3. When the applicant joined service he gave his date of birth as 12-6-1934 and the same has been so recorded in his service regis-

As late as on 11-11-1987 (Annexure-E) the applicant moved the Chief Personnel Officer, Southern Railway, Madras ('CPO') - respondent - to change his date of birth to 22-6-1937 from 12-6-1934.

As the said application has not so far been disposed of one way or the other, the applicant has approached this Tribunal on 27-10-1988 for appropriate reliefs.



4. In resisting this application, the respondents have filed their reply.

5. Sri M.Raghavendrachar, learned counsel for the applicant, contends that when an application for change of recorded date of birth is made before the competent authority, that authority is bound to consider and dispose of the same one way or the other without keeping the same in cold storage as has been done by the CPO.

6. Sri M.Sreerangaiah, learned counsel for the respondents sought to justify the inaction of the respondents on more than one ground.

7. Sri Sreerangaiah does not rightly dispute that the applicant had made an application for rectification of his recorded date of birth and that the same has not so far been disposed of by the CPO.

8. When a civil servant makes an application for rectification of his date of birth, the authority is bound to consider and dispose of the same one way or the other. Before the authority ~~examines~~ examines the application and decides the matter on all such grounds as are available to him, we cannot assume the role of that authority and decide the same as if we are the original authority. From this it follows that we should direct the CPO to dispose of the application with expedition. On this view, we do not consider it necessary to notice and deal with various technical defences that were urged by Sri Sreerangaiah against the claim of the applicant, which have necessarily to be examined and decided by the CPO himself in the first instance. On the view we have taken, we leave open all other questions.

9. In the light of our above discussion, we direct the respondents to dispose of the application made by the applicant for rectification of his recorded date of birth with all such expedition as is possible in the circumstances of the case and in any event within

a period of six months' from the date of receipt of this order.

10. Application is disposed of in the above terms. But, in the circumstances of the case, we direct the parties to bear their own costs.

Sd _____

VICE-CHAIRMAN. 17/3/89

Sd _____

MEMBER (A) 23-3-89

TRUE COPY



P.P. Deshpande
DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE