

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 3 AUG 1988

APPLICATION NO. 495 / 88(F)

W.P. NO. _____

Applicant(s)

Shri G.S. Deshpande

Respondent(s)

V/s

The GM, Telecom, Karnataka, Bangalore

To

1. Shri G.S. Deshpande
309, Roy Road
Tilakwadi
Belgaum - 590 006
2. Shri Vishalaxa Kadiwal
Advocate
No. 265, 10th Cross
1st Block, R.T. Nagar
Bangalore - 560 032
3. The General Manager
Telecommunication
Karnataka Circle
Bangalore - 560 009
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~
passed by this Tribunal in the above said application(s) on, 28-7-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE TWENTYEIGHTH DAY OF JULY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy .. Vice Chairman

APPLICATION NO. 495/1988

Shri G.S. Deshpande
S/o. Srinivasarao Deshpande
S.G. Transmission Assistant
C/o. J.E.T. Group (North)
Ground Floor
Telephone Bhavan
Belgaum.

.. Applicant

(Shri Vishalaxa Kadiwal, Advocate)

Vs.

The General Manager
Telecommunication
Karnataka Circle
Maruthi Complex
Opp: Tribhuvan Theatre
Gandhinagar
Bangalore - 560 009.

.. Respondent

(Shri M. Vasudeva Rao, Advocate)

This application have come up for
hearing before the Tribunal today, Hon'ble Vice Chairman
made the following:

ORDER

Applicant by Shri Vishalaxa Kadiwal.

Respondent by Shri M. Vasudeva Rao, learned Additional
Standing Counsel for Shri M.S. Padmarajaiah.

2. Shri Rao prays for an adjournment
on the ground that Shri Padmarajaiah is out of station.
But as this Court has no other work, I refuse the
adjournment sought by Shri Rao and proceed to hear
the case. Hence Shri Rao has appeared for the Respondent

....2/-



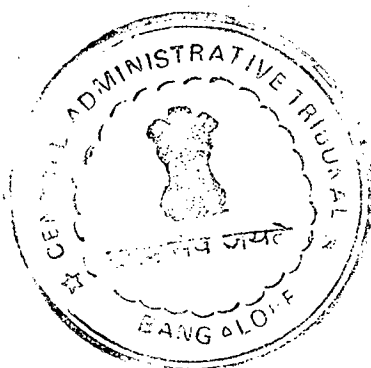
and has argued the case.

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

4. The applicant with the educational qualification of a pass in Secondary School Leaving Certificate examination (SSLC) joined service on 26.5.1953. When he joined service, he gave his date of birth as 22.8.1930 which was accepted and so recorded in his service book opened thereto.

5. But as late as in January 1988, the applicant made an application before the General Manager Telecommunications, Karnataka Circle, Bangalore (GM) for rectification of his date of birth from 22.8.1930 to 28.8.1932 on the plea that the latter one was his correct date of birth. As the GM, did not dispose of the same within six months thereafter the applicant ^{has} approached this Tribunal on 17.3.1988 for appropriate direction.

6. In his reply the Respondent had inter-alia asserted that an earlier application made by the applicant had been rejected on 23.11.1956 itself by the then competent authority where he was working and the same had also been communicated to him on 5.12.1956.



7. Shri Vishalaxa Kadiwal, contends that the application made by the applicant before the GM for rectification of his date of birth, from 22.8.1930 to 28.8.1932 was maintainable and the same had been kept in cold storage by the GM without any justification and that it was necessary for us to direct the respondent to rectify the date of birth of the applicant and regulate his conditions of service on that basis.

8. Shri Rao contends that this application which really seeks to agitate matters which became final in 1956 and in any event well before 1.11.1982 was not maintainable and even if maintainable there were no grounds to grant the prayer of the applicant.

9. In his reply the respondent has asserted that an earlier application made by the applicant had been rejected on 22.11.1956 and the same had been acknowledged by him on 5.12.1956. Shri Rao has produced clinching documentary evidence to support this assertion of the respondent.

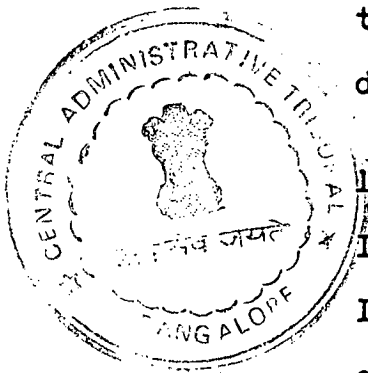
10. On the evidence produced by the respondent, it is seen that an earlier application made by the applicant for rectification of his date of birth had been rejected on 23.11.1956 and the same has been communicated to him on 5.12.1956. From this it follows that an earlier application made by the applicant seeking for the very relief had been rejected in 1956 and the same had become final also. If that is so then, as ruled by this Tribunal in V.K. MEHRA V. SECRETARY ATR 1985 CAT 203 and a



Division Bench of this Bench in Dr. (MRS.) KSHAMA KAPUR V. UNION OF INDIA 1987 (4) ATC 329 this application which seeks to agitate matters which had become final before 1.11.1982 cannot be entertained by this Tribunal. On this short ground this application is liable to be dismissed without examining the merits.

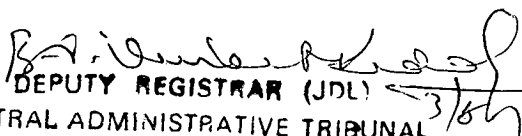
11. But out of deference to the submissions made by Shri Kadiwal I have examined the merits also.

12. An examination of the merits disclose that the belated attempt of the applicant to rectify his date of birth is far from truth and is not supported by satisfactory evidence. On the other hand, the clinching evidence produced by the respondent establishes that the date of birth of the applicant had been correctly entered when he entered service on 23.5.1953. From this it is clear that the claim of the applicant for rectification of his date of birth is devoid of merit.



13. In the light of my above discussion, I hold that this application is liable to be dismissed. I, therefore, dismiss this application. But in the circumstances of the case, I direct the parties to bear their own costs.

TRUE COPY


DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

mr.

Sd/-
VICE CHAIRMAN 25/11/