

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 2 AUG 1988

APPLICATION NO.

829

/88(F)

W.P. NO.

Applicant(s)

Shri K. Kannan

To

V/s

Respondent(s)

The Accounts Officer (A&P)-I, O/o GM, Telecom,
Bangalore & another

- | | |
|---|--|
| <p>1. Shri K. Kannan
Jamedar
Office of the Assistant Engineer(In door)
Telephone Exchange
Margosa Road
Malleswaram
Bangalore - 560 003</p> <p>2. Shri S. Muneer Ahmed
Advocate
No. 581, 3rd Main Road
Sadashivanagar
Bangalore - 560 080</p> <p>3. The Accounts Officer (A&P)-I
Office of the General Manager
Telecommunication
Bangalore - 560 009</p> | <p>4. The General Manager
Bangalore Telecom District
K.G. Road
Bangalore - 560 009</p> <p>5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001</p> |
|---|--|

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/9000/1988/ORDER
passed by this Tribunal in the above said application(s) on 26-7-88.

Encl : As above

RA. Vasudeva Rao
DEPUTY REGISTRAR
(JUDICIAL)

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE**

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

DATED THIS THE 26TH DAY OF JULY 1988

APPLICATION NO. 829/88

Shri K. Kannan,
aged about 56 years,
Jamadar,
Asst. Engineer Internal,
MAL II BT-3,
Bangalore.

Applicant.

(Shri Munir Ahmed, Advocate)

vs.

1. The Accounts Officer,
(A&P)-J, O/o the Gait,
Bangalore-9.

2. The General Manager,
Bangalore Telecom District,
Chamber of Commerce,
K.G. Road, Bangalore.

Respondents

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day, 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. When the applicant joined service on 21.9.1957, he declared that his date of birth was 27.8.1928 which was duly accepted and entered in the service book opened thereto by the competent authority. The applicant had attested the service book on more than one occasion.

3. But ^{as} late as on 8.7.1970, the applicant approached the District Manager, Telephones, Bangalore (DM) the then competent authority to rectify his date of birth from 27.8.1928 to 1.2.1932 on the plea that there was a mistake in the earlier entry. On an examination of the same the DM by his endorsement No.PF.710/143 dated



17.10.1970 rejected the same in these words:

"...The request made by the official for a change in his date of birth has been carefully examined, with reference to the documents produced by him.

District Manager regrets that his request cannot be acceded to.

(P.V. Subramaniam)^{Sd.}

Chief Accounts Officer"

Evenafter this order of the DM the applicant had signed the service book more than one occassion.

4. On the basis of his earlier recorded date of birth, the authorities have taken steps to retire the applicant on 31.8.1988 on which day he attains the age of superannuation . On receipt of an endorsement in that behalf issued on 28.3.1988 (Annexure-A) the applicant has approached this Tribunal on 30.5.1988 for a direction to the Respondents to change his date of birth from 21.8.1928 to 1.2.1932 and regulate his conditions of service on that basis.

5. In justification of the action taken, the respondents have filed their reply and have produced the records.

6. Shri S. Munir Ahmed, learned counsel for the applicant contends that the correct date of birth of his client was 1.2.1932 and not 21.8.1928 as entered in his service records and the respondents were bound to change the same and regulate his conditions of service on that basis.

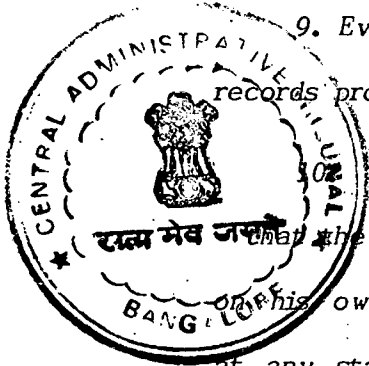


7. Shri M. Vasudeva Rao, learned Additional Standing Counsel appearing for the Respondents contends that this application which really seeks to agitate matters which had become final in 1970 cannot be entertained by this Tribunal and even if the application was in time, then also there were no grounds to accept the case of the applicant.

8. In their reply, the respondents, have averred to the earlier application made by the applicant and the order made by the DM on 17.10.1970. Shri Ahmed does not dispute the same and has even produced the order issued to the applicant. What emerges from this is that the applicant as early as on 8.7.1970 had sought for rectification of his date of birth from 27.8.1928 to 1.2.1932 and the same had been rejected by the DM on 17.10.1970. From this it follows that the applicant is really seeking to agitate the matters which had become final prior to 1.11.1982. As pointed out by this Tribunal in ATR 1986 CAT 203 (V.K. MEHRA v. SECRETARY) and 1987(4) ATC 329 (KSHAMA KAPUR v. UNION OF INDIA) this application which seeks to agitate matters which arose prior to 1.11.1982 cannot be entertained by this Tribunal and is liable to be dismissed in limine. On this view, this Tribunal examining the merits does not arise.

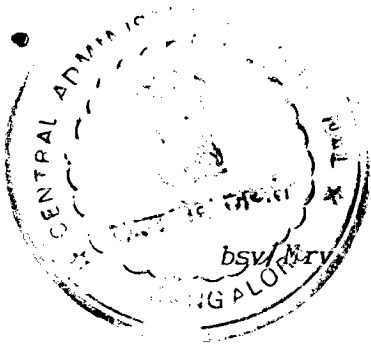
9. Even otherwise I have examined the pleadings and the records produced before me.

An examination of the pleadings and records establish that the date of birth of the applicant had been correctly recorded on his own admission as 27.8.1928 and that had not been altered at any stage of the career of the applicant. If that is so, then the applicant cannot really ask this Tribunal that too on the eve of his retirement to hold that his date of birth had been wrongly recorded in the service book and the same should be correctly entered as 1.2.1932. Shri Rao is right in contending that on merits



also the applicant has no case and there are no grounds whatsoever for this Tribunal to accept the case of the applicant.

11. On any view of the matter 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.



Sd/-
VICE-CHAIRMAN 26/11

TRUE COPY


DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE 2/8/11