

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: **18 FEB 1988**

APPLICATION NO 85 / 88 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri M. Sukumaran Pillai
To

**The Divisional Railway Manager, SC Rly,
Hubli & another**

1. **Shri M. Sukumaran Pillai**
C/o Shri S.R. Bannurmeth
Advocate
No. 39, 'Laxmi Nivas'
5th Cross, Vasanthanagar
Bangalore - 560 052
2. **Shri S.R. Bannurmeth**
Advocate
No. 39, 'Laxmi Nivas'
5th Cross, Vasantha Nagar
Bangalore - 560 052
3. **The Divisional Railway Manager**
South Central Railway
Hubli
Dharwad District
4. **The Chief Personnel Officer**
South Central Railway
Rail Nilayam
Secunderabad (Andhra Pradesh)
5. **Shri M. Sreerangaiah**
Railway Advocate
3, SP Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

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
on 29-1-88.

Encl: as above.


DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH BANGALORE

DATED THIS THE 29TH JANUARY, 1988

Present: Hon'ble Justice Shri K.S. Puttaswamy
Hon'ble Shri L.H.A. REGO

Vice-Chairman
Member (A)

APPLICATION NO. 85/88(F)

M. Sukumaran Pillai
C/o Sri S.R. Bannurmamath,
Advocate,
No. 39, 'Laxmi Nivas',
5th Cross, Vasanthnagar,
Bangalore -560 052.

Applicant

(Sri S.R. Bannurmamath.....Advocate)

Vs.

1. Divisional Railway
Manager,
South Central Railway,
Hubli; and

2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.

Respondents

(Sri M. Sreerangaiah.....Advocate)

This application has come up for hearing before
this Tribunal to-day, Hon'ble Justice Shri K.S. Puttaswamy
made the following :

O R D E R

This is an application made by the applicant
U/s 19 of the AT Act, 1985.

2. The applicant who is working as a Booking
Supervisor at Hospet Railway Station of the SCR
has challenged Order No. H/P-500/Gen. dated 19.11.1987
issued by the Divisional Railway Manager, Hubli, ('DRM'),

calling upon him to submit his pension papers, on the position that he was due to retire on 31-1-1988. The applicant who claims to have been born on 2.6.1930, contends that he is due to retire on 30.6.1988 and not on 31-1-1988, and the order of the DRM to that extent, calls for modification.

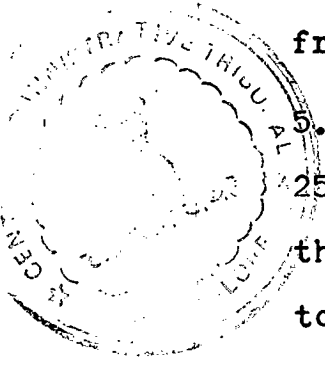
3. Shri S.R. Bannurmamath, learned counsel for the applicant, contends that the unimpeachable evidence on record establishes that the applicant was born on 2.6.1930 and that the same had also been accepted by the competent authority when the applicant entered service and on that basis, the applicant can only be retired from 30.6.1988 and not before that date.

4. Shri M.Sreerangaiah, learned counsel for the respondents, contends that the accepted date of birth of the applicant was 2.1.1930 and not 2.6.1930, and on that basis, the direction to retire the applicant from 31.1.1988 was legal and valid.

5. When this case came up for admission on 25.1.1988, we directed Shri Sreerangaiah to produce the original service register ('SR') of the applicant to decide the controversy in the case. In compliance of that direction, he has produced the original SR of the applicant. We have carefully examined the same.

6. When the applicant, joined service, his date of birth was entered as 2nd January, 1930 and not as 2nd June, 1930 as is now claimed by him.

On an examination of this aspect, the Divl. Personnel Officer and ^{other} authorities have reached that conclusion only. We are of the view that that finding of the authorities,

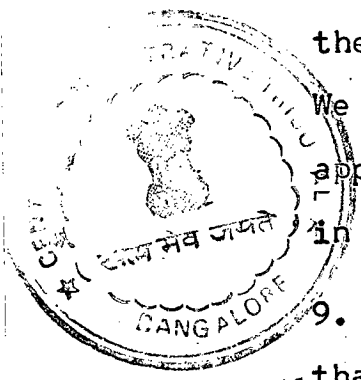


with due regard to all the entries in the SR and all other relevant circumstances, is a correct finding and there is hardly any ground for us to disturb that finding.

7. When once we hold that the applicant's date of birth was entered as 2.1.1930 in the original SR, the action taken by the authorities to retire him from 31.1.1988 is in conformity with the law regulating the retirement of railway servants in the Indian Railways. If that is so, then there is no justification whatsoever for us to interfere with the action taken by the authorities.

8. Before parting with this case, we consider it proper to express our consternation on the way important documents like SRs are being allowed to be tampered by unscrupulous persons. We have no doubt that the tampering in the SR of the applicant could not have been achieved without the connivance of officers in the office, who were maintaining the SR of the applicant. We do hope and trust that the authorities will take appropriate steps to see that such evils are eradicated in the interest of all.

9. In the light of our above discussion, we hold that this application is liable to be rejected. We, therefore, reject this application. But in the circumstances of the case, we direct the parties to bear their own costs.



TRUE COPY

[Signature]
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE
sd/-
(K.S. PUTTASWAMY)
VICE-CHAIRMAN
22-1-1988

[Signature]
(L.H.A. REGO)
MEMBER (A)