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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No.337/90

Smt. Aloo Minocher Fitter ... Applicant

vs.

Union of India & Ors. ... Respondents

CORAM : Hon'ble Member (J), Shri A.P.Bhattacharya
Hon'ble Member (A), Shri M.Y. Priolkar

Appearances:

Shri V.C. Bhaya, Advocate,
for the applicant.

None present for the
respondents.

JUDGEMENT

Dated : 20.7.1990

(Per. Shri A.P.Bhattacharya, Member (J))

This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed by Smt. Aloo Minocher Fitter against the Union of India, represented by the General Manager, Western Railway, and two others.

2. In this application the applicant's only prayer is for alteration of her date of birth from 20.6.1934 to 4.6.1936. It is her case that on 15.10.56 she was appointed as a Junior Clerk at Bombay Central. Afterwards she was promoted to the post of Senior Clerk and thereafter to the post of Head Clerk. Having been declared ^{of} successful she got the post Chief Clerk. While working there she realised that her date of birth as entered in her service book was not correct. She submitted a representation in reply to which she was informed that

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alteration of her date of birth could not be done. She submitted another representation thereafter which yielded no result. As her date of birth was wrongly given in her S.S.C. Certificate, she made an application to the Principal of the institution where she read and another application to the Divisional Secretary, Maharashtra State Board of Secondary and Higher Secondary Education, Pune. She was informed by the latter authority that the change of endorsement with regard to her date of birth in her Certificate could not be done. So she has approached this Tribunal for issuing directions on the respondents for changing her date of birth in the way as mentioned above and for permitting her to work till 30.6.1994 i.e. till ~~her~~^{the} date of her retirement on superannuation on the basis of her date of birth as 4.6.1936.

3. On a consideration of the materials on record we are constrained to hold that the applicant has no *prima facie* case to get this application admitted. Besides, her claim is barred by limitation. It is patent from the averments made in the application that the applicant's date of birth as was recorded in her service book as 20.6.36 on the basis of her S.S.C. Certificate. She entered service under the Central Railway on 15.10.56. She has not been able to explain the reason as to why prior to 3.3.81 (vide Annexure-B) i.e. before she had put in 25 years of service she could not pray for alteration of her date of birth to the concerned authority of the Railway. It is curious that after seeing her date of birth as mentioned in her S.S.C. Certificate in 1953 she took the first step to get that corrected as late as April, 1981 (vide Annexures D & E). Obviously, the

Additional Secretary, Maharashtra State Board of Secondary and Higher Secondary Education, Pune, regretted to change her date of birth as mentioned in the Certificate. From all these, we are not at all satisfied with the genuineness of the applicant's claim. That apart, we find it from Annexure-A that the applicant's prayer for alteration of her date of birth was rejected by the General Manager, Western Railway, by his order dated 5.1.1989. Annexure-J shows that the said order of the General Manager was further communicated to the applicant by the Divisional Personnel Officer on 20.1.1989. Under Section 21 of the aforesaid Act the present application should have been filed within a year from the date of such refusal. We may mention that this application was filed in this Tribunal on 14.5.1990 i.e. far from the period of one year from the date of rejection of her prayer by the General Manager. The applicant has not explained the ~~delay~~^{reason} for filing the application so late. Naturally, therefore, we are constrained to hold that this application is barred by limitation.

4. In view of our findings made above, we are of the opinion that this application is not at all fit for adjudication by this Tribunal and as such we dismiss it summarily.

20.7.90
(M.Y. Priolkar)
Member (A)

20.7.90
(A.P. Bhattacharya)
Member (J)