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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH.

Original Application No. 726/91

~~Transfer Application No. XXXXXXXXXXXXXXXXXXXXXXXX.~~

Date of decision 10.6.93

Shri Kisan Joraji Tak Petitioner

Shri Y.R. Singh Advocate for the Petitioner

Versus

Union Of India through Respondent
Divisional Railway Manager.

Shri J.G. Sawant Advocate for the Respondent(s)

Coram :

The Hon'ble Shri **V.D.Deshmukh, Member (J)**

The Hon'ble Shri

1. Whether the Reporters of local papers may be allowed to see the Judgement ? *ye*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ? *AG*
4. Whether it needs to be circulated to other Benches of the Tribunal ?



(V.D. DESHMUKH)
MEMBER (J)

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 726/91

Shri Kisan Joraji Tak

... Applicant.

V/s.

Union of India through
Divisional Railway Manager
Central Railway,
Bhusawal.

... Respondent.

CORAM: Hon'ble Shri V.D. Deshmukh, Member(J)

Appearance:

Shri Y.R. Singh,
counsel for the
applicant.

Shri J.G. Sawant, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 10.6.93

¶ Per Shri V.D. Deshmukh, Member (J) ¶

The applicant has filed this application claiming that the respondents be directed to correct his date of birth from 21.10.1926 to 24.9.1928.

The applicant was initially appointed as Fireman at Bhusawal on 21.10.48. He resigned from the service after about nine years for his private reasons. However he was re-appointed from 7.10.1961, and continued in service till 31.10.84 when he retired on superannuation. It is his contention that he was not aware as on what basis his date of birth was recorded as 21.10.26 at the time of initial appointment. In fact it is for the applicant to show as to on what basis the alleged incorrect date of birth came to be put on record. The respondents in their letter dated 18.6.87 have stated that the applicant was appointed on 21.10.48 and accordingly his date of birth had been recorded as 21.10.26. It shows that the applicant had studied only upto 4th standard Marathi and hence he was treated as illeterate for all practical purposes.

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The applicant submits that he had produced the school leaving certificate showing the correct date of birth at the time of his second appointment on 7.10.1961. The respondents have categorically denied this, and there is nothing to show that any certificate was produced in 1961. The certificate on which the applicant relies, was obtained by him in 1982 and could not be produced in 1961.

The applicant relies upon the school leaving certificate, copy of which is attached as annexure A1. It is very pertinent to note that this certificate itself shows that it was obtained on 10.8.82, which means that the applicant was in possession of the certificate and had received the knowledge of his alleged correct date of birth in August 1982. Surprisingly however he did not produce this certificate even at the time when he retired on superannuation, as per the date of birth on record on 21.10.84. He filed a representation before the respondents for the first time on 10.7.86 i.e. almost four ^{to} ~~four~~ years after he received the school leaving certificate on which he is relying.

It is beyond my comprehension as to how the applicant allowed himself to be superannuated in 1984 when according to alleged correct date of birth he ought to have been continued for two years more and as to how the applicant did not make any representation and just kept the alleged certificate with him till as late as 10th July 1986.


Not only the applicant failed to make the representation in time before the concerned authority but he also did not file any proceedings either before this Tribunal or any other forum till the present applicant ^{Tion} was filed on 24.10.91. No doubt the applicant

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has filed an application for condonation of delay, but the circumstance^s discussed above would show that this is not a simple question of condonation of delay in filing the present application. The entire conduct of the applicant himself renders the certificate on which he relies suspicious and the applicant is not entitled to any relief. Hence the following order:

The application is dismissed, M.P. 909/91 for condonation of delay is also dismissed. There shall be no order as to costs.


(V.D. DESHMUKH)
MEMBER (J)

NS