

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 408/92

Transfer Application No:

DATE OF DECISION 21-1-93

Shri S.C.Shinde Petitioner

Shri D.V.Gangal Advocate for the Petitioners

Versus

Union of India, Respondent  
Through General Manager(E)  
Western Railway, Bombay.

Shri N.K.Srinivasan Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K.Dhaon, Vice-Chairman

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgement ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
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(S.K.Dhaon)  
Vice-Chairman

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VS

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Respondent.

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Shri N.K.Srinivasan, Adv.  
for the respondent.

Dated: 21-1-93

(Per: Hon'ble Mr. Justice S.K.Dhaon, V.C.)

The order dated 27-4-92 issued by the Chief Personnel Officer rejecting applicant's application for the correction of his date of birth is being impuned in the present application under Section 19.

To counteract the entry in the Secondary School Certificate produced by the applicant at the time of his entry in the service, that he was born on 8-5-1934, the applicant produced an extract of the birth register issued by the Tahasildar concerned showing therein that he was born on 8-4-1936. It appears that only a zerox copy of the said extract of the birth register issued by the Tahasildar was filed before the officer concerned. A certified copy of the said certificate has been shown to me.

I have gone through the order of the officer concerned. I find that he has not at all dealt with the aforesaid certificate. He has, however, dealt with the affidavit filed by a relation of the applicant that the applicant was born on 8-4-1936. The failure of the officer

concerned to consider the effect of the Tahasildar's Certificate vitiated his order as he failed to take into account a very relevant material.

The officer concerned shall give a fresh decision in accordance with law; he shall take into account the Tahasildar's certificate. It will be open to the applicant to apply to the officer concerned to hold such enquiry as he considers necessary for ascertaining the correctness of the contents of the certificate and its genuineness. It will be also open to the applicant to lead such evidence in support of his case, as advised. The officer concerned shall pass a fresh order within a period of three months from the date of the receipt of a certified copy of this order.

The order dated 10-4-92 passed by the Chief Personnel Officer is quashed. There shall be no order to costs.

*S.K. Dhaon*  
(S.K. Dhaon)  
Vice-Chairman.