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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 204/93

Shri Harikishan C. Mistry
V/s.

Union of India through the
General Manager,
Western Railway,
Churchgate, Bombay

... Applicant.

Divisional Railway Manager
Western Railway, Bombay Division
Bombay Central, Bombay.

Divisional Secretary
Maharashtra State Board,
of Secondary and Higher Secondary
Education, Pune Divisional Board
Pune.

... Respondents.

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

Appearance:

Shri G.R. Menghani, counsel
for the applicant.

Shri Bogal, counsel for
respondent No. 3.

ORAL JUDGEMENT

Dated: 7.4.93

{ Per Shri V.D. Deshmukh, Member (J) }

This Tribunal had directed by its order dated 24.6.91 in OA 309/90 pertaining to the date of birth of the applicant, that the respondent No.3 in that application i.e. the Divisional Secretary, Maharashtra State Board of Secondary and Higher Secondary Education Pune Division Board, Pune shall give an opportunity to the applicant to prove that his date of birth was not correctly recorded, and in case from the evidence the Board is satisfied that the age was earlier wrongly recorded the Board or the Officers who have been deputed for the purpose will correct the age and after the age is corrected in the necessary certificate, the Railway Administration will correct the same. *Pursuance* to this direction the question *Was duly examined* *by the Board* -

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who is also respondent No.3 in the present case and after considering the entire evidence relied upon by the applicant,detailed speaking order was passed by the Joint Secretary/Competent Officer, Maharashtra State Board of Secondary and Higher Secondary Education Pune Divisional Board, Pune on 20.12.91. It is ~~in~~ this order ~~in~~ which ~~it~~ is challenged on merits ~~when~~ ~~with~~ the claim that the respondent No. 3 be directed to hold a fresh enquiry. The order passed by the Joint Secretary Competent Officer,clearly shows that the directions given by this Tribunal in OA 309/90 have been ~~in~~ ~~in~~ complied with. This Tribunal cannot sit ~~in~~ ~~in~~ appeal ~~by~~ ~~the~~ ~~said~~ over the finding arrived ~~in~~ ~~in~~ some authority. In view of this, the learned counsel for the applicant requests leave to withdraw this application with liberty to challenge the order of the Joint Secretary/ Competent Officer before an appropriate forum. Leave granted. Application is disposed of as withdrawn with liberty to challenge the impugned order before the appropriate forum.

There shall be no order as to costs.



(V.D. Deshmukh)
Member (J)

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