

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 834/93

Transfer Application No:

DATE OF DECISION 25.8.1994

Kisan Kachroo Dhongade Petitioner

Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Advocate for the Respondent(s)

COMMISSION:

The Hon'ble Shri Justice M.S.Deshpande, 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 ? *M*
- 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 ? *M*


(M. S. DESHPANDE)
VICE-CHAIRMAN

4
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH, BOMBAY.

Original Application No.834/93.

Kisan Kachroo Dhongade. Applicant.

V/s.

Union of India & Ors. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman.

Appearances:

None for the parties.

Oral Judgment :-

[Per Shri M.S.Deshpande, Vice-Chairman] Dt. 25.8.1994.

The applicant by this application seeks a direction to the Respondents to correct his date of birth from 1.7.1934 to 28.2.1940.

2. The applicant's contention is that he was 20 years of age when he came to be appointed in Class IV service under the PWI, Thane, and he was informed in 1984 when he was asked to go for medical examination by that Medical Officer that he had become 50 years old. The Respondents had ^{got} brought the date of birth of the applicant (ascertained as 28.2.1940 by deputing an official to the School where the applicant had enrolled at Kunhegaon. The applicant, thereafter, made representations for change in the date of birth, but no amendments were made, the applicant has filed this application.

3. The applicant remained absent when the case was called on for hearing. From the respondents reply it appears that the applicant joined the Railway

....2.



Service as a Khalasi in December, 1960 and when the applicant was examined on 22.1.1964 the Medical Officer gave the opinion that his age was 29 years and that he would fit in 'B' category. The applicant gave his thumb impression on the certificate issued by the Railways and was thereafter regularised. It is urged that it is not open to the applicant in these circumstances, to question the date of birth already recorded and the application was barred by time.

4. The Respondents have produced the xerox copy of the Medical Certificate which bears the thumb impression of the applicant in which the applicant's age was recorded as 29 years on 22.1.1964. In view of this, it is clear that the applicant should have made the grievance immediately thereafter, but he has waited for so long. The present application was filed on 30.7.1993 and cannot be entertained in view of the Supreme Court decision in Union of India V/s. Harnam Singh (A.I.R. 1993 SC 1367) the application is dismissed.


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.

6
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH, BOMBAY.

Review Petition No.117/94
in
Original Application No.834/93.

Kisan Kanchroo Dhongade. ... Applicant.

V/s.

Union of India & Ors. ... Respondents.

Coram:Hon'ble Shri Justice M.S.Deshpande,Vice-Chairman.

ORDER ON REVIEW PETITION BY CIRCULATION :

{Per Shri M.S.Deshpande,Vice-Chairman} Dt. 20.10.1994.

By the present review application the applicant seeks review of the order passed on 25.8.1994 in OA No.834/93. The basis for the review is that the Medical Certificate which was issued on 22.1.1964 by the Medical Officer stating that the applicant's age was 29 years could not be decisive. The applicant claims to be an illiterate employee. He,however, has not denied that he has given his thumb impression on the said document, even in the review application. It was held that the applicant should have challenged the date of birth based on the certificate dt.22.1.64 soon thereafter, In view of the decision in Union of India V/s. Harnam Singh (A.I.R. 1993 SC 1367). The review application purports to show that that case is not applicable to the facts of the present case and that the decision given on 25.8.1994 was therefore, erroneous. It is difficult to entertain this plea as the points raised by the applicant were considered while passing the order on 25.8.1994. That the applicant considers the order to be erroneous cannot be a ground for review and the review application is therefore dismissed.


(M.S.DESHPANDE)
VICE-CHAIRMAN