

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 1031/92  
(OA 146/89)

Date of decision: 30.7.94

DINESH CHAND

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. J.K. Kaushik : Counsel for the applicant.

None present on behalf of the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman


Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Applicant has stated on page 4 of his application that he was appointed on 1.8.80 and Shri Tej Singh (Respondent No. 4) was appointed on 4.8.80 as Khallasi. He has also given his date of birth as 1.7.58 and that of Shri Tej Singh as 15.8.58. From the perusal of Annexure A-10, the circular which has been issued on 2.8.80 by the respondents, it is clear that the date of birth of Shri Tej Singh has been mentioned as 15.8.58. If this circular is considered as a correct position, then the reply of the respondents is inconsistent with the circular or the office order issued by them in which the date of birth of Tej Singh has been mentioned as 15.8.58. In the reply, the respondents have given the date of birth of the petitioner as 1.7.58 and the date of birth of respondent no. 4 (Tej Singh) as 15.8.50. On what basis, they say that the date of birth of respondent no. 4 is 15.8.50 is not known and on the contrary, from the perusal of Annexure A-10, it is clear that the date of birth of respondent no. 4 is 15.8.58. Mr. Kaushik submits that at the time of recruitment in the year 1980, the recruitment age was 25 years. In case, the date of birth of respondent no. 4 is 15.8.50, then he was not eligible for initial recruitment.

2. As none is present on behalf of the respondents, we consider-ed it proper that the order dated 23.9.88 (Annexure A-1) by which the seniority of the applicant and Tej Singh was revised is hereby set aside. The respondents are directed to re-consider the circular dated 2.8.80 (Annexure A-10) and should also explain how they came to the conclusion that the date of birth of Tej Singh is 15.8.50 and should pass a fresh order after hearing both the parties.

3. The O.A. is disposed of accordingly, with no order as to costs.

  
( O.P. SHARMA )  
Administrative Member

  
( D.L. MEHTA )  
Vice-Chairman