

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~Hyderabad

O.A. No.

~~TA No.~~

896/89

198

DATE OF DECISION

17/11/89_____
Petitioner_____
Advocate for the Petitioner(s)

Versus

Respondent_____
Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B. N. Jayasimha, Ave.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

Av
(B.N.J.)
Ave

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 896 of 1989

Date of Order: 17/11/89

P.Satyanarayana

..Applicant

Versus

Government of A.P. and
another

..Respondents

..

For Applicant: Mr.M.R.K.Chowdary

For Respondents: Mr. Parameshwar Rao for Mr.Ramakrishna Raju,
Standing Counsel for the 2nd Respondent

Mr.P.Chandra Mouli, Special Counsel for
Government of A.P.

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

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(Judgment delivered by Shri B.N.Jayasimha, Vice Chairman)

1. This is an application from a Divisional Forest Officer, Nizamabad, a member of the Indian Forest Services Andhra Pradesh Cadre. He has filed this application under section 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to alter his date of birth as requested by him in his representation dated 10-3-1989.

2. The applicant states that he appeared for the Civil Service Examinations in the year 1980 and 1981. He was selected for the Indian Revenue Service. The applicant was keen on joining ^{the} IAS, but, he was not permitted to

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sit for the examination once again for the third time, on the ground that he had attained 28 years, ^{He had} ~~and had~~ become age barred to sit for competitive examinations for the third time since his date of birth was treated as 27-8-1953. The applicant contends that the correct date of birth is 27-9-1955. He could not detect the correctness of the date of birth at that point of time. Ultimately the applicant was appointed as a Member of the IFS and allotted to Andhra cadre, ^{on his} ~~on the~~ exercising ~~of~~ the option ~~by the applicant~~ pursuant to the examinations conducted in the year 1981 (written test). Accordingly, he joined the IFS in the year 1982.

3. The applicant's father informed him that his correct date of birth was 27-9-1955 and not 27-8-1953 as recorded in the SSC Register which was carried into the records of Higher Education of the applicant. The applicant's father also expressed his repentance for erroneous entry made in the school register of the applicant at the time of his admission into the School. Having come to know the true facts, the applicant submitted a representation dated 10-3-1989 to respondent no.1 ^{State} ~~State~~ alleging that his ~~his~~ date of birth be changed from 27-8-1953 to 27-9-1955 for the reasons given in that representation. Although, he made the representation on 10-3-1989, the respondents have not disposed of the same so far. Aggrieved by the non-disposal of his representation, the applicant has filed this application.

4. I have heard Shri M.R.K.Chowdry, learned counsel for the applicant and Shri Parameshwar Rao for Shri Ramakrishna Raju, Sr.CGSC and Shri Chandramouli, Spl. Counsel for State Government.

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To:

1. The Principal Secretary, Energy, Forests, Environment, Science and Technology Department, Secretariat Buildings, Hyderabad, Government of A.P.
2. The Secretary, (Union of India) Ministry of Forests and Environment, Department of Forests and Wildlife, 'Paryavaran Bhavan', C.G.O., Complex, Lodhi Road, New Delhi-110 003.
3. One copy to Mr. M.R.K. Choudary, Advocate, 'Satya Saudha' 6-3-600/A/5, Erram Manzil, Hyderabad-500 482.
4. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
5. One spare copy.

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Received at 12.00 by
on 24/11/87*

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5. The grievance of the applicant is that his representation dated 10-3-1989 submitted to the 1st respondent has not been disposed of.. In his representation the applicant had stated that when he was admitted to the 4th class in the year 1962 the date of birth was wrongly recorded as 27-8-1953. The admission register of the School shows the date of birth as 27-9-1953. However when he was readmitted it was noted as 27-8-1953. The old School records thus shows two different dates of birth. He enclosed to the representation relevant papers in support of his contention. He therefore requested that enquiries may be conducted to enable him to prove that his date^{of} birth is 27-9-1953. Shri Chowdary argues that the applicant waited for six months after submitting the representation and as the authorities have not taken any action he filed this application. After hearing the learned counsel for the applicant and respondents, and in the circumstances of the case, I think it proper to direct the respondents to dispose of the representation of the applicant in accordance with rules within 2 months from the date of receipt of this order. The application is disposed of with this direction with liberty to the applicant to file a fresh application, if aggrieved by any order passed by the respondents. No order as to costs.

B. N. Jayasimha

(B.N. JAYASIMHA)
VICE CHAIRMAN

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Dt. 17th November, 1989.
(Dictated in open court)

vcr.

S. Venkatesh
DEPUTY REGISTRAR (A) 11/11/89

8.3.89

Draft by: Checked by: Approved by
D.R.(J)

Typed by: -- ADH Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)

AND

HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)

AND

HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER (J)

DATED: 17.11.89

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A.No. (U.P.No.)

D.A.No. 896/89

Admitted and Interim directions
issued.

Allowed.

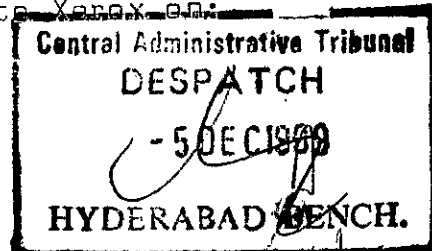
Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

Sent to Xerox on:



c.o/ in Court
Every page
not signed
Place before
H.V.C
4/11/9