

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.928/89.

Date of Judgment 7-8-91

I.Venugopala Rao

.. Applicant

Vs.

1. The Union of India
represented by the
Director-General(Posts),
New Delhi-110001.

2. The Director,
Accounts(Postal),
Andhra Circle,
Hyderabad-500001. .. Respondents

Counsel for the Applicant : Shri J.V.Lakshmana Rao

Counsel for the Respondents : Shri N.V.Ramana,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri I.Venugopala Rao
under section 19 of the Administrative Tribunals Act, 1985
against the Union of India represented by the Director-General
(Posts), New Delhi-110001 and another.

2. The applicant who joined the Department in May, 1959
is now working as Deputy Accounts Officer. It is his case that
his date of birth should be 19.12.34 instead of 19.2.34. He
filed a civil suit for declaration of his correct date of birth
and got a decree from the District Munsiff, Machilipatnam that
his date of birth should be 1942.34. Thereafter he sent a

representation on 29.7.88 stating that the entry regarding the date of birth in his Secondary School Leaving Certificate was wrong and that the correct date of birth is 19.12.34 only. Finally, the respondents vide their letter dated 27.2.89 have rejected his request. He has prayed that the respondents be directed to treat his date of birth as 19.12.34 instead of 19.2.34.

3. The application is opposed by the respondents. It is their case that the entry in the records all the time showed his date of birth as 19.2.34. It is also their case that the applicant quoted the judgment in the case of "Hiralal Vs. Union of India (1987)" and requested for reconsideration of his case and the same was rejected in terms of Note 5 read with Govt. of India decision below F.R. 56.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. The decree of the District Munsiff, Machilipatnam was in March, 1959. ^{while he joined service late in Mar 59} The date of birth entered in the S.S.L.C. Register was 19.2.34 and the applicant had in his own writing also furnished his date of birth as 19.2.34. It is only after nearly 29 years that he seeks a change in his date of birth. It is a well settled law that a change in date of birth cannot be asked for after such long delay and that too when by his own admission and also according to records his date of birth went unchallenged. The respondents are, therefore, right in rejecting his request.

....

for a change in date of birth although for wrong reason

quoting Note 5 read with Govt. of India decision below

F.R.56. In the result, the application fails with no order

as to costs.

MS

(J. Narasimha Murthy)
Member (Judl).

R. Balasubramanian
(R. Balasubramanian)
Member (Admn).

9.1
Dated

7th August 91

88/8791
Deputy

To

1. The Director General (Posts),
Rep. by U.O.I., New-Delhi - 110001.
2. The Director, Accounts (Postal), Andhra Circle,
Hyderabad - 500001.
3. One Copy to Mr. J. V. Lakshmana Rao, Advocate,
Flat No. 301, Balaji Towers, New Bakaram, Hyderabad - 50038
4. One Copy to Mr. N. V. Ramana, Addl. CGSC., CAT., Hyderabad.
5. One Spare Copy.

8/8
TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

THE HON'BLE MR.J.NARASIMHA MULTY:M(J)

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

DATED: *7-8-1991*

ORDER ✓ JUDGMENT

M.A. / R.A. / C.A. NO.

in

D.A. No. *928188*

T.A. No.

(W.P. No.

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

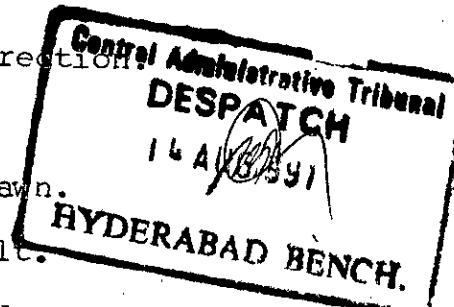
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



2