

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.461/90.

Date of Judgement 9.8.1991

D.H.R.K.Sanyasi Setty .. Applicant

Vs.

1. Union of India
represented by the
General Manager,
S.E.Rly.,
Calcutta-700043.
2. The Divl. Rly. Manager,
S.E.Rly.,
Waltair R.S. 530004. .. Respondents

Counsel for the Applicant : Shri P.B.Vijaya Kumar

Counsel for the Respondents : Shri N.R.Devaraj, SC for Rlys.

CORAM:

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

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

I Judgement as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed by Shri D.H.R.K.Sanyasi Setty under section 19 of the Administrative Tribunals Act, 1985 against the Union of India represented by the General Manager, S.E.Rly., Calcutta-700043 and another.

2. The applicant joined the S.E.Rly. as Typist in May, 1963 and at the time of joining the service his date of birth was entered as 30.3.41. In 1987, during a family meeting he came to know that his date of birth was wrongly entered in the S.S.L.C. Register. Thereupon, the applicant applied for his birth register extract to the Chodavaram Gram Panchayat and obtained an extract to the effect that his date of birth was 18.5.43.

3. The respondents have not filed any counter affidavit in this case.

To

1. Union of India represented by the General Manager,
S.E.Rly.,
Calcutta-700043.
2. The Divl. Rly. Manager,
S.E.Rly.,
Waltair R.S.530004.
3. One copy to Sri P.B.Vijaya Kumar, C.A.T.Hyderabad.
4. One copy to Sri N.R.Devaraj, SC for Rlys, C.AT Hyd.
5. One copy to Hon'ble Mr.J.Narasimha Murthy, Member (J)
C.A.T. Hyderabad.
6. One spare copy.

200000
13/8/51

4. We have examined the case and heard the learned counsel for the applicant and the respondents. The learned counsel for the applicant forcefully pleaded that the second rejection dated 16.4.90 by the respondents was again on the very same ground as on the previous occasion vide their letter dated 14.4.87 which was quashed by this Bench. It was, therefore, his case that the respondents had not followed the direction given by this Bench. On the other hand, we find that while the first letter dated 14.4.87 of the respondents relied entirely on the time-limit, the second letter dated 16.4.90 had come up with material reasons like the applicant's S.S.L.C. Register showing his date of birth as 30.3.41 and also the service sheet concurred with by the respondents totally, showing 30.3.41 as the date of birth. No doubt, the respondents have blundered in quoting the struck down rule also as another reason but this does not alter the material nature of rejection. We had time and again held, in line with several directions of other benches, that an application for change of date of birth made nearly a quarter century after joining the service is not acceptable. We had also repeatedly held that the applicants are estopped from seeking a change of date of birth after they had recorded that in their own handwriting. It had also been held that such certificates as the one produced by the applicant do not have evidentiary value in the face of entries in S.S.L.C. books. Hence we dismiss this application with no order as to costs.

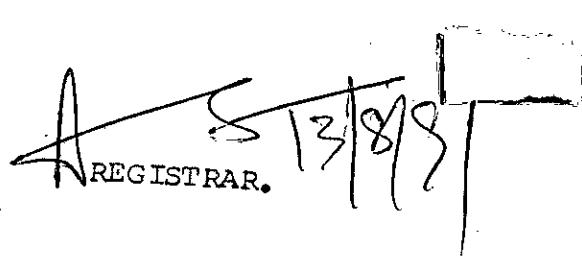
J.S

(J. Narasimha Murthy)
Member (Judl).

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

Dated

9th August 91


REGISTRAR. 5/3/89

3

ASR

17/8/91

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: 13 - 8 - 1991

ORDER/ JUDGMENT

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

in

D.A. No.

461/90

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.

Central Administrative Tribunal

DESPATCH

3 AUG 1991

HYDERABAD BENCH.

13/8/91