

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

D.A.No.1002/90

Date of decision: 18.12.1990

BETWEEN

C. Rajaiah,
Chief Permanent Way Inspector (CN)
O/o Divl. Engineer (D-II), SCR,
Kazipet.

.. Applicant

Vs.

1. The Chief Personnel Officer,
South Central Railway,
Railnilayam, Secunderabad.

2. The Chief Admn. Officer,
(Construction), S.C.R.,
Secunderabad.

3. The Sr. Personnel Officer (Works) (CN)
O/o The Chief Admn. Officer, (CN),
S.C.R., Secunderabad.

4. The Divisional Engineer (Doubling-II),
SCR, Kazipet. Warangal Dist. .. Respondents

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Appearance:

For the applicant : Shri P. Krishna Reddy, Advocate

For the respondents : Shri Jalli Siddaiah, Standing
Counsel for Railways.

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CORAM

THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

THE HON'BLE SHRI J. NARASIMHA MURTHY, MEMBER (J)

(Judgement of the Bench delivered by Shri B.N. Jayasimha)
Hon'ble Vice Chairman

bui

(JUDGEMENT OF THE BENCH DELIVERED BY SHRI B.N.JAYASIMHA)
HON'BLE VICE CHAIRMAN

The applicant herein is a Chief Permanent Way Inspector in the office of the Divisional Engineer(D-II) South Central Railway, Kazipet. He has filed this application seeking a direction to the respondents to change his date of birth from 24.3.1933 to 30.6.1936 and consequently to postpone the date of superannuation from 31.3.1991 to 30.6.1994. The applicant states that he hails from a very poor Scheduled Caste family. His father was working as a Gangman and his mother was working as Malan in the Public Gardens, Hyderabad, under the State Govt. Service. His father took premature retirement and died in the year 1970. His mother who was working in Public Gardens, Hyderabad retired from service on 30.6.81. When the applicant's children learnt in the month of Aug.90 that their father is due to retire from service on 31.3.1991 they mentioned the same casually to their grandmother. The applicant's mother was surprised to hear that he is retiring on 31.3.1991 when she herself retired from service on 30.6.81 on attaining the age of 58 years. If that is the correct position, his mother would have been barely 10 years age when he was born. According to her calculation and memory the applicant must have been born in the month of June, 1936. The applicant has secured the certificate of the retirement of his mother issued by the administration, which shows her date of birth. The date of birth as entered in the service register is based on an approximate estimation of age at the time of joining in the Railway Service.

BNJ

(Contd....)

To

1. The Chief Personnel Officer,
S.C.Railway, Railnilayam, Secunderabad.
2. The Chief Admn. Officer, (Construction),
S.C.Railway, Secunderabad.
3. The Sr. Personnel Officer(Works) CN)
O/o The Chief Admn. Officer, (CN)
S.C.R. Secunderabad.
4. The Divisional Engineer (Doubling-II)
S.C.R. Kazipet, Warangal Dist.
5. One copy to Mr.P.Krishna Reddy, Advocate.
6. One copy to Mr.J.Siddaiah, SC. for Rlys, CAT.Hyd.
7. One copy to Hon'ble Mr.J.Narasimha Murty, Member(J)CAT.Hyd.
8. One spare copy.

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2. When he learnt about his correct date of birth from his mother, he caused a notice issued through his Advocate on 13.8.1990 requesting the respondents to rectify the date of birth entered in the Service Register and change the same from 24.3.1933 to 30.6.1936. He has awaited for three months. But the respondents have not disposed of the same. Hence, he has filed this application.

3. We have heard Shri P. Krishna Reddy, learned counsel for the applicant and Shri J. Siddiah, Standing Counsel for Central Govt. who takes notice at the admission stage. Shri Krishna Reddy states that the applicant had got a notice issued on 13.8.1990 and he has waited for 4 months and the respondents have not so far disposed of the same. According to the date entered in the Service Register, the applicant will be retiring on 31.3.1991. In the circumstances, he could not wait for expiry of 6 months as required under Sec.21 and therefore has filed this case. Shri J. Siddiah states that the case is liable to be dismissed as premature as he has filed this before the expiry of six months and the respondents be allowed to dispose of the notice issued. Having regard to the points urged by Shri Krishna Reddy, the respondents are directed to dispose of the representation within a period of 4 weeks from the date of receipt of this order and also afford an opportunity of being heard ^{to} _{by} ^{the applicant} him before disposing of the notice issued by him on 13.8.1990. With these directions, the application is dismissed as premature. No order as to costs.

B.N.Jayashimha
(B.N. JAYASIMHA)
VICE CHAIRMAN

J.N.Murthy
(J. NARASIMHA MURTHY)
MEMBER (JUDICIAL)

Dictated in the open court

Dt. 18.12.1990

18/12/90
Deputy Registrar (Jnd)

CHECKED BY
TYPED BY

APPROVED BY
COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.B.N.JAYASIMHA : V.C.
AND

THE HON'BLE MR.D.SURYA RAO : M(J)
AND

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

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

DATE: 24-9-18/12/90

ORDER / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No. 1002/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for want of jurisdiction.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

