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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.222/92

Date of Order: 21.4.1993

BETWEEN :

M.Krishna Murthy

.. Applicant.

A N D

Chief Commissioner of
Incometax, Andhra Pradesh,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.Krishna Murthy
(Party-in-person)

Counsel for the Respondent

.. Mr.N.R.Devraj.

CORAM :

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

T.C.N

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to accept the date of birth of the applicant as 3.9.1950 instead of the record date of birth of the applicant as 10.8.1947 in the service records.

The facts so far relevant to dispose of this OA in brief may be stated as follows:-

2. The applicant herein is working as Stenographer in the office of the Dy-Commissioner of Incometax (Assessments), Special Range-2, Aayakar Bhavan, Hyderabad. According to the applicant the correct date of birth is 3.9.1950. But in the Service Records the date of birth of the applicant is entered as 10.8.1947. The applicant has approached the competent authority for correction of date of birth ^{and} as per the orders dt. 1.1.1990 passed by the competent authority his representation was rejected. So, the applicant had filed earlier OA.600/90 on the file of this Tribunal for the same relief he has claimed in this O.A. The Tribunal as per its judgement dt. 20.2.1991 allowed OA.600/90 by giving a direction to the respondents to consider the applicant's application on merits and dispose of the same. Six months time was granted to the respondents to take a decision with regard to the alteration of date of birth of the applicant. The competent authority had considered the case of the applicant and had decided against the applicant. So the applicant once again approached this Tribunal.

T. C. N. J.

3. Today we have heard Mr. M. Krishna Murthy (Party-in-Person) and Mr. N. K. Devraj, Standing Counsel for the respondents.

4. This OA came up for admission hearing on 12.3.1992. The applicant had argued his case in-person on 12.3.92. The applicant had filed along with this OA originally the birth extracts said to be relating to him. On 12.3.1992 after hearing Mr. Krishna Murthy, the Bench had passed the following order:-

" Mr. M. Krishna Murthy, applicant in person. He has filed birth extract along with his application. According to him, the said birth extract relates to him only. When questioned the applicant states that his parents have got six issues. For proper adjudication of this OA (at the admission stage) the Tribunal requires the birth extracts of all brothers and sisters. As a matter of fact the applicant has undertaken today before this Bench to file the birth extract of all brothers and sisters by the next hearing date.

At the request of the applicant O.A. is adjourned to 17.6.1992."

In view of the observations of this Bench dated 12.3.1993 the applicant had filed before this Tribunal the birth extracts of all his brothers and sisters. The copies of the said birth extracts are also served on the Standing Counsel for the respondents.

4. Counter had not yet been filed by the respondents. When the OA was taken up for hearing today, the applicant produced before this Tribunal an account book maintained by his father and according to the applicant his date of birth and also some others had been entered in the said account book. When the case of the applicant had been considered by the respondents in pursuance of the directions of this Tribunal in OA.600/90, the applicant had not placed all the material before the competent authority which is already placed before the Tribunal and also account book

To

1. The Chief Commissioner of Incometax,
A.P.Hyderabad.
2. One copy to Mr.Krishna Murthy, Party-in-person,
21-83, Vivekananda Nagar, Hyd.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
4. One spare copy.
5. One copy to Library, CAT.Hyd.

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P.V.M.

which he now seeks to produce before this Tribunal as evidence to show that his correct date of birth is 3.9.1950. So, in view of this position the con-filing of the counter of the respondent\$ may not be as any consequence. We are of the opinion that the interests of the Justice would be met if this O.A. is disposed of by giving appropriate directions.

5. Hence, we permit the applicant to put in a fresh representation to the competent authority within one week from the date of the receipt of this order by the applicant with all the copies of the birth extracts filed before this Tribunal and also with the copy/copies of the entries in the account book to show that the correct date of birth of the applicant is 3.9.1950. We also further permit the applicant to place before the competent authority such other material which ^{he} may have in his possession to prove his case before the competent authority along with the said representation. If the applicant makes the representation to the competent authority with the material afore-said, we direct the respondent\$ to receive the said representation along with the said material and after being satisfied about the authenticity and genuiness of the material placed before it consider the same along with his representation and pass final orders. This process shall be completed by the competent authority within four months from the date of the receipt of the said representation together with the material. If the applicant continues to be aggrieved by the final orders passed by the respondent\$, we permit the applicant to approach this Tribunal afresh in accordance with law.

O.A. is disposed of with no order as to costs.

T. C. _____
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 21st April, 1993

(Dictated in Open Court)

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Deputy Registrar (J),

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
REDDY : MEMBER (JUDL)

DATED: 21 - 4 - 1993

ORDER/JUDGMENT

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

in

O.A.No. 222/92

T.A.No. (W.P.No)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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