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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.309 of 1992

DATE OF JUDGMENT: 3rd July, 1992

BETWEEN:

Mr. Syed Rasool

..

Applicant

AND

1. The General Manager,  
South Central Railway,  
Secunderabad.
2. The Divisional Railway Manager,  
S.C.Railway,  
Secunderabad.
3. The Divisional Personnel Officer (BG),  
S.C.Railway,  
Secunderabad.
4. The Chief Garrage and Wagon  
Superintendent,  
S.C.Railway,  
Bellampally.  
Adilabad District.

..

Respondents

COUNSEL FOR THE APPLICANT: Mr. K.Venkat Reddy

COUNSEL FOR THE RESPONDENTS: Mr. D.Gopal Rao, SC for Rlys.

CORAM:

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

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI R.BALASUBRAMANIAN, MEMBER (ADMN.)

This OA is filed by Mr. Syed Rasool with a prayer to direct the respondents to allow his date of birth in the service records from 9.6.1935 to 5.11.1939. Earlier, the case was rejected by the respondents on the plea that he ~~has~~ filed an application to this effect much beyond time limit specified in the rules. Against this, the applicant filed OA No.205/91 which was disposed of by this Bench on 24.4.1991 with a direction to the respondents to dispose of the case after examination of the same on merits. The respondents have subsequently decided the case on merits sticking to the original date of birth as entered in the service record of the applicant. Aggrieved by this, the ~~xxxx~~ applicant filed this application.

2. The respondents who have examined the case on merits gave<sup>a</sup>/detailed reply to the applicant by their letter No.P.Law.Cell/648/26/BG/CAT/91, dated 25.11.1991 of the Chief Personnel Officer, South Central Railway, Secunderabad addressed to the applicant. In that, it has been stated that 9.6.1935 is recorded as his date of birth and this had been accepted by the applicant and as a token of his acceptance, his signature in english has also been affixed on the first page of

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To

1. The General Manager, S.C.Rly, Secunderabad.
2. The Divisional Railway Manager, S.C.Rly, Secunderabad.
3. The Divisional Personnel Officer (BG) S.C.Rly  
Secunderabad.
4. The Chief Garrage and Wagon Superintendent,  
S.C.Railway, Bellampally, Adilabad Dist.
5. One copy to Mr.K.Venkat Reddy, Advocate  
7-20, Madhurapuri, Dilsukhnagar, Besides Konark Theatre, Hyd.
6. One cppy to Mr. D.Gopal Rao, SC for Rlys, CAT.Hyd.
7. One spare copy.

pvm.

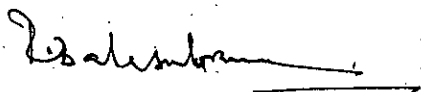
*Attchd  
for  
[initials]*

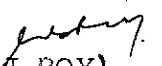
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the service register. Nevertheless, pursuant to the directions of the Tribunal, the respondents had effected some verifications and found that the date of birth entered in two schools are different viz., 21.6.1939 in the Government High School, Adilabad and 5.11.1939 in the Government Gazetted High School, Adilabad. In view of the variations in the date of birth, the respondents are not able to accept either of these two.

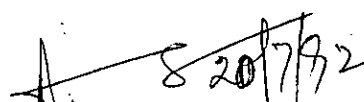
3. Heard Mr. K.Venkat Reddy, learned counsel for the applicant and Mr. N.Rajeswara Rao for Mr. D.Gopal Rao, learned Standing Counsel for the respondents. On examination, we find that there is no strong evidence supporting the date of birth of the applicant as 5.11.1939 and on the other hand he has accepted 9.6.1935 as his date of birth by ~~fixing~~<sup>affixing</sup> his signature in the service book. In this case, there being no primary evidence in support of the claim of the applicant, the application is liable to be dismissed and is dismissed accordingly. No order as to costs.

(Dictated in the open Court).

  
(R. BALASUBRAMANIAN)  
Member (Admn.)

  
(C. J. ROY)  
Member (Judl.)

Dated: 3rd July, 1992.

  
Deputy Registrar (J)

8m/14/7  
(W)  
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

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

AND

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

AND

THE HON'BLE MR.C.J. ROY : MEMBER(J)

Dated: 3-7-1992

~~ORDER~~ / JUDGMENT

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

in

O.A.No.

309/92

~~T.A.No.~~

(~~W.P.No.~~)

Admitted and interim directions  
issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A.Ordered/Rejected.

No order as to costs.

pvm.

