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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

RP 97/93  
in  
DA 569/92.

Dt. of Order:25-1-94.

V.Akkula Reddy

...Applicant

Vs.

1. Union of India rep. by  
General Manager,  
SC Rlys, Sec'bad.
2. Sr.Divisional Personnel Officer,  
SC Rlys, Guntakal,

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Counsel for the Applicant : Shri V.Krishna Rao

Counsel for the Respondents : Shri D.Gopal Rao, SC for Rlys

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

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...2.

P.J.V

R.P.No.97/93 in  
O.A.No.569/92.

Date: 25.1.1994.

O R D E R

(as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

O.A.No.569/92 filed for the correction of date of birth was dismissed by the orders of this Tribunal dated 16.8.1993 as it was barred by limitation. The present R.P. in this O.A. has been filed against this said judgment dt. 16.8.1993 for review and setting aside the same.

2. The main plea of the applicant in this R.P. is that he is an illiterate having studied only upto Class-V and he was initially appointed in Group B service and hence there is no time limit for such employees for applying for correction of their date of birth. The second plea in this R.P. is that the service book was not shown to him to enable him to correct the mistakes if any in the service book. The applicant is an illiterate as he had studied upto 5th Class and hence Railway Board's letter No.E(NG)11/78/BR/12 dt. 25.10.1978 referred to account that he has to apply for correction of date of birth in time and also taking into account his second plea raised in this R.P. the judgment dismissing the O.A. was pronounced on 16.8.1993. It was also held in the judgment by the order dt. 26.7.1993 in O.A.No.783/93 that the amendment to FRSR 145(3) (old rules) of Indian Railway Establishment Code which provides for correction of date of birth is equally applicable in regard to those who were in service by 3.12.1971, the date by which the amendment had come into effect. There are no exceptions to the said amendment.

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Copy to:-

- 1. General Manager, S.C.Railways, Union of India, Secunderabad.
- 2. Sr. Divisional Personnel Officer, S.C.Railways, Guntakal.
- 3. One copy to Sri. V.Krishna Rao, advocate, CAT, Hyd
- 4. One copy to Sri. D.Gopala Rao, SC for Rlys.
- 6. One spare copy.

Rem/-

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3. On behalf of the respondents, it was stated that the applicant failed to represent for correction of his date of birth which was shown as 21.9.1935 in the seniority list published in the year 1988. Having failed to represent for correction of his date of birth inspite of the same having been indicated in the seniority list, he had approached this Tribunal at the fag end of his career for correction which is not permissible. There is no error apparent on the face of the judgment and the dismissal of the O.A. as time-barred is in order.

4. In view of the observations by Supreme Court that the request for correction of date of birth has to be closely scrutinized especially when an employee approaches the Tribunal/Court on the eve of their retirement (Judgments Today 1993(5) S.C.404 - The Secretary and Commissioner, Home Department and others. Vs. Kirubakaran) and those who do not follow Note-5 of F.R.56(m) cannot be given the relief of correction of date of birth as held by the Supreme Court in AIR 1993 (S.C. 1307 - Union of India Vs. Harnam Singh) there is no need to advert to the documents referred to in this R.P.

5. In the result, we see no merit in this R.P. and hence the same is dismissed with no costs.

(R.Rangarajan)  
Member(Admn.)

(V.Neeladri Rao)  
Vice-Chairman

Grh.

*Handwritten signature and date*  
3-28-24

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*Prakar*

R.P. 97/93

~~O.A. 569/92~~

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 25/1/-1994

ORDER/JUDGMENT: ✓

M.A/R.A/C.A.No. 97/93

O.A.No. in 569/92

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

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

~~Dismissed.~~

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order, as to costs.

Central Administrative Tribunal  
DESPATCH  
8 FEB 1994  
HYDERABAD BENCH.