

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.747/93

date of decision : 29-7-1993

Between

P.V. Ranga Rao

: Applicant

and

1. The General Manager
South Central Railway
Rail Nilayam
Secunderabad

2. The Chief Personnel Officer
Rail Nilayam
Secunderabad

3. The Divisional Railway Manager
Hyderabad Division
Secunderabad

4. The Chairman
Railway Board
Rail Bhavan
New Delhi

: Respondents

Counsel for the applicant

: M. Panduranga Rao,
Advocate

Counsel for the respondents

: N.R. Devaraj, SC for
Railways

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri M. Panduranga Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant herein joined service in the Railways in 1959 and then he had given his date of birth as 26-7-1935.

B.R.O.J.

(27)

The applicant submitted an application on 29-10-1992 before the concerned authority requesting for alteration of date of birth as 26-7-1938 as it is his correct date of birth and the date of birth was wrongly declared at the time of entry into service. The said application was rejected. Being aggrieved, this application was filed praying for direction to the respondents to correct his date of birth as 26-7-1938.

3. One of the points that arises for consideration is as to whether the amendment of para 145^b(3)(iii) of the ^{code} Railway Establishment Manual which had come into effect on 3-12-1971 is applicable in regard to Railway employees who ^{were} in service by that date. We held in OA.783/93 that the amended para 145^b(3)(iii) is equally applicable in regard to employees who ^{were} in service by 3-12-1971. The said provision lays down that an application which is filed beyond three years after entry into service is not maintainable. In view of the judgement of the Supreme AIR Court in 1993 SC 1367, between Union of India and Harnam Singh in Civil Appeal No.502 of 1993, which was in regard to amendment dated 15-12-1979 in regard to FR56, we held that in regard to the existing employees such application had to be filed within three years from the date of amendment. As the application filed by the applicant herein was long after 3-12-1974, it had to be held that the same is not maintainable.

4. Hence, for the reasons stated in OA.783/93, this OA is dismissed even at the admission stage. No costs.

P.J. *[Signature]*
(P.T. Thiruvengadam)
Member (Admn.)

[Signature]
(V. Neeladri Rao)
Vice-Chairman

Dated : July 29, 93
Dictated in the Open Court

[Signature] 29/8/93
Deputy Registrar (J)

TYPED BY

COMPARED BY

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.A.B.GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 29-7 -1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

in

O.A.No.

74793

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

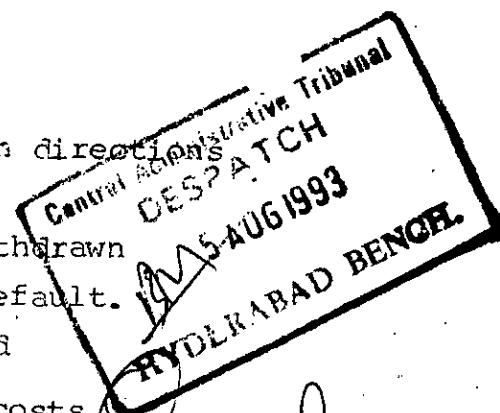
Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.



pvm

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