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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.780 of 1993

DATE OF JUDGMENT: 13th August, 1993.

BETWEEN:

Mr. D.Rajasagarar

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Applicant

AND

1. Union of India represented by
the General Manager,
South Central Railway,
Secunderabad.
2. The Chief Personnel Officer,
S.C.Railway,
Secunderabad.
3. The Divisional Railway Manager (P),
Secunderabad Division,
S.C.Railway,
Secunderabad.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. G.Ramachandra Rao, Advocate
COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, SC for Railways.

CORAM:

Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman
Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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The applicant joined service as Ticket Collector in
1955. Then, he had given a declaration to the effect that
he was born on 8.5.1935 and the attested copy of the School
Leaving Certificate in regard to his date of birth was enclosed.

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On the basis of the said date which is noted in the declaration submitted by the applicant, he was retired from service on 31.5.1993. This application was filed on 2.7.1993 for quashing the order dated 31.5.1993 whereby ^{he} (the applicant) was retired from service and to issue a consequential direction to the respondents to correct the date of birth of the applicant as 8.5.1937 instead of 8.5.1935 in the service ^{-al} record on the basis of the education/certificates furnished by him.

2. The applicant alleges that his date of birth as noted in the School Leaving Certificate is 8.5.1937 and a mistake ~~was~~ crept in while typing the same as 8.5.1935 in the attested copy which was enclosed to the declaration ^{form} ^{he} and filed the original School Leaving Certificate before the concerned authority and ^{by Making} later he ~~is~~ found that a mistake was crept in in the attested copy which was filed at the time of declaration.

3. Heard Mr. G. Ramachandra Rao, learned counsel for the applicant and Mr. V. Rajeswara Rao for Mr. N.V. Ramana, learned Additional Standing Counsel for the respondents. Note 5 to F.R. 56 was incorporated on 30.11.1979. It lays down that a ~~is~~ request for correction of date of birth has to be made within five years from the date of entry into service. In ~~1992~~ AIR 1993 SC 1367 (Union of India Vs. Harnam Singh), the Supreme Court held that, "it would be appropriate and in tune with harmonious construction of the provision to hold that in the case of those government servants who were already in service before 1979, for a period of more than five years, and who intended to have their date of birth corrected

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Copy to:-

1. General Manager, South Central Railway, Union of India, South Central Railway, Secunderabad.
2. The Chief Personnel Officer, S.C.Railway, Secunderabad.
3. The Divisional Railway Manager(P), Secunderabad Division, South Central Railway, Secunderabad.
4. One copy to Sri. G.Ramachandra Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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Rsm/-

4. 12/11/11
P. 12/11/11
7. 8/11/11

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after 1979, may seek the correction of date of birth within a reasonable time after 1979 but in any event not later than five years after the coming into force of the amendment in 1979. This view would be in consonance with the intention of the rule making authority."

4. Basing on the above Judgment of the Supreme Court, we held in OA 783/93 dated 26.7.1993 that even the Railway employee who joined service prior to ³⁻¹²⁻¹⁹⁷¹ ~~15.12.1979~~ cannot seek correction of date of birth after the expiry of 3 years after coming into force of the amendment of Rule 225 of Indian Railway Establishment Code (the said amendment provides that the request for correction of date of birth has to be made within three years from the date of entry into service).

this OA is barred by limitation and accordingly it is dismissed at the admission stage. No costs.

(Dictated in the open Court).

P. T. Thiruvengadam
(P.T.THIRUVENGADAM)
Member(Admn.)

V. Neeladri RAO
(V.NEELADRI RAO)
Vice Chairman

Dated: 13th August, 1993.

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23/8/93
Dy. Registrar (T & L)

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O.A. 786793

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:

13/8-1993

ORDER/JUDGMENT:

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

in

O.A. No.
T.A. No.

786793.
(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

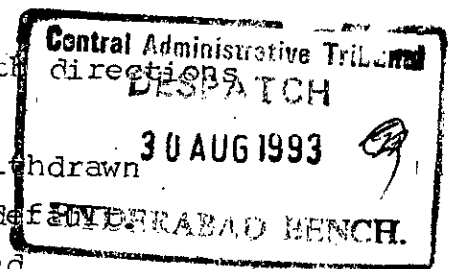
Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.



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