

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

ON WEDNESDAY THE TWENTY THIRD DAY OF AUGUST
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE.

O/A NO. 794/89: PRESENT :

THE HON'BLE MR.D.SURYA RAO: MEMBER:(JUDG)

A=H-B

~~THE HON'BLE~~

BETWEEN:-

C.G.Ratnam,

...Applicant.

a n d

1. South central Railway rep.. by its General Manager,
Railcolayam, Secunderabad- 500 371, A.P.
2. The Director of school Education, Government of
Tamilnadu, Madras.

...Respondents.

Application under section 19 of the Administrative Tribunals Act, 1985 praying that in the circumstances stated therein the Tribunal will be pleased to issue an order or direction declaring Rule 225 of the Indian Railway Establishment code-Volume 1 as arbitrary, illegal, unjust, violative of Articles 14 and 16 of the Constitution of India and the consequential relief to the applicant to alter his date of birth in the service register as 2-7-1931.

This Original application coming on for final hearing upon perusing the application and upon hearing the arguments of Mr.C.V.Mohan Reddy, Advocate for the applicant and of Mr.P.Venkata-Rama Reddy SC for Railways on behalf of the respondents.

The Tribunal delivered the following Judgment:-

(Judgment of the Tribunal delivered by Hon'ble Sri D.Surya Rao, Member(J))

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The applicant herein is a railway employee in the office of the Chief signal and Telecom. Engineer(construction), south central railway, Secunderabad. He seeks to question the order No.P.508/GAZ/CCR/S&T/39 dated 4-11-1987 issued by the chief personnel officer informing the applicant that his representation for alteration of date of birth from 11-2-1930 to 2-7-1931 has

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not been agreed to by the Railway Board. The ground on which his representation was rejected is that he has not made the representation before 31-7-1973. He was directed to retire from service on 29-2-1980.

2. A counter has been filed on behalf of the respondents.

3. Heard Shri C.V.Mohan Reddy, Advocate on behalf of the applicant and Shri P.V.Reddy, learned standing counsel for the Railways, for the respondents. The ground for rejection of the applicant's representation is Railway Board's letter No.E/NG/11-70 ER/1 dated 4-8-72. The validity/effect of this letter was the subject matter of the Full Bench decision in T.A.Nos.1104/86 and 1089/86. The Full Bench held that the Railway Board's circular dated 4-8-72 is an executive order and is in conflict with sub-rule (3) of Rule 143 of the Railway Establishment code and as such cannot have the force of law. In view of the Full Bench decision of this Tribunal, it would follow that the decision rejecting the applicant's request for alteration of his date of birth on the ground of limitation has to be set aside. The impugned order is accordingly set aside and the Railway authorities are directed to dispose of applicant's representation on merits. Four months time is granted from the date of receipt of this order for disposal of the applicant's representation. In the circumstances there will be no order as to costs.

Sd/-G.Venkata Rao,
Deputy Registrar(J).

// True copy //

[Signature]
Court Officer (J).

To:

1. The General Manager, south central railway, Rail nilayam, Secunderabad-500 371, A.P.
2. The Director of School Education, Govt. of Tamilnadu, Madras.
3. One copy to Mr.C.V. Mohan Reddy, Advocate, 1-10-249/2, Ashoknagar, Extn., Hyderabad-500 020.
4. One copy to Mr.P.V.Reddy, SC for Rlys., CAT, Hyderabad.
5. One spare copy.

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