

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.150/93

Date of Order: 13.10.1993

BETWEEN :

Dubbala Bitcham

.. Applicant

AND

1. The Chief Post Master General,
Andhra Pradesh, Hyderabad.
2. The Post-Master General,
Southern Region, Vijayawada,
Krishna District.
3. The Senior Superintendent of
Post Offices, Prakasam Division,
Ongole.

.. Respondents.

Counsel for the Applicant

.. Mr. P. B. Vijay Kumar

Counsel for the Respondents

.. Mr. N.V. Raghava Reddy

CORAM:

HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

T. C. R.

Order of the Single Member Bench delivered
by Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to declare that the correct date of birth of the applicant is 13.7.1939 and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this case may be briefly stated as follows:-

3. The applicant herein ~~was~~ ^{is} working as Sub-Post Master. According to him his correct date of birth is 13.7.1939. The applicant entered the department on 11.2.1964 as Sub-Post Master, Chimakurthy Sub Office. In his S.S.C. register also the date of birth of the applicant was entered as 13.7.1936 and the same was carried out in the Service Register of the applicant. According to the applicant he came to know that his correct date of birth is 13.7.1939. So, the applicant put in a representation to the competent authority on 22.8.1992 to correct his date of birth from 13.7.1936 to 13.7.1939. The competent authority rejected the representation of the applicant as per its order dated 24.8.1992. So, the present O.A. is filed to give a direction to the respondents for correction of date of birth from 13.7.1936 to 13.7.1939 as already indicated.

4. Counter affidavit is filed by the respondents opposing this O.A.

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5. This O.A. is filed by the applicant on 23.2.1993. As already pointed out the applicant had put in a representation to the competent authority for the first time for correction of date of birth on 22.8.1992. It is pleaded in the O.A. that recently when the applicant disclosed to his friends that he is going to be retired on 13.7.1994, they expressed surprise ~~that~~ saying ~~over~~ the elders to the applicant are not retiring in 1994. So according to the applicant such comment by his friends made him know the correct date of birth and then put in a representation to the competent authority for correction of date of birth. It appears to us that the applicant ~~had even~~ overcome the enormous delay in making representation to the competent authority and also ~~has some fault with the date of application~~ in approaching this Tribunal. If the correct date of birth of the applicant is 13.7.1939 we are unable to understand how the applicant can keep silent from 11.2.64 i.e. from the date he joined service till 22.8.92 i.e. roughly for about 28 years. The long silence of the applicant is unexplicable. It is quite evident that the applicant had been negligent in approaching competent authority in time for correction of the date of birth. In ~~xxx~~ view of the negligence of the applicant the applicant certainly is not entitled for the relief he is seeking for in this O.A.

6. In this context we may refer to a recent decision of the Supreme Court reported in AIR 1993 SC 1367 Union of India Vs. Harnam Singh. Wherein the Supreme Court has observed as below:-

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Copy to:-

1. The Chief Post Master General, Andhra Pradesh, Hyderabad.
2. The Post-Master General, Southern Region, Vijayawada, Krishna District.
3. The Senior Superintendent of Post Offices, Prakasam Division, Ongole.
4. One copy to Sri. P.B.Vijaya kumar, advocate, Advocates Association, High Court Building, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rem/-

*Stn. Ahd. Pdt
G. 21/3*

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"In the instant case where the date of birth recorded at the time of entry of the servant into service before 79 had continued to exist, unchallenged for almost three and a half decades and the servant had the occasion to see his service book on numerous occasions and he signed the service book at different places at different points of time but never did he object to the recorded date and the same date of birth was also reflected in the seniority lists which the servant had admittedly seen, and yet, he remained silent and did not seek the alteration of the date of birth till just a few months prior to the date of his superannuation, inordinate and unexplained delay or laches on the part of the servant to seek the necessary correction would in any case justify the refusal of relief to him. Even if the servant had sought a correction of the date of birth within five years after 1979, the earlier delay would not have nonsuited him but he did not seek correction of the date of birth during the period of five years after the incorporation of note 5 to FR 56 in 1979 either his inaction for all the period of about thirty five years from the date of joining service, precluded him from showing that the entry of his date of birth in service record was not correct."

7. The observation of the Supreme Court would apply on all force to the facts of this case. In view of the Supreme Court decision we do not have any slightest doubt to come to the conclusion that the ~~OA to be~~ ^{is liable to be} dismissed and is accordingly dismissed. There shall be no order as to costs.

T. Chandrasekhara ^{Reddy}

(T. CHANDRASEKHARA REDDY)
(Member (Jud1.))

Dated: 13th October, 1993

(Dictated in Open Court)

82/10/83
Dy. Registrar [Signature]

sd

contd

W.L.G. [Signature]

O.A.150793

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.GORTHI : MEMBER(A)
AND

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

AND

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

Dated: 13/10/1993

ORDER/JUDGMENT:

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

O.A.No.

in
150793

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.

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11/10/93

