

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.761 of 1994.

Between

Dated: 27.1.1995.

V.V.Subba Rao

...

Applicant

And

1. The General Manager, S.C.Railway, Rail Nilayam, Secunderabad
2. The Divisional Railway Manager, Broad Gauge, Sanchalan Bhavan, Secunderabad.
3. Sr. Divisional Personal Manager, O/O D.R.M. Officer, Secunderabad.
Station, Nampally, Hyderabad.

...

Respondents

Counsel for the Applicant : Sri. K.V.R.Pantulu

Counsel for the Respondents : Sri. N.V.Ramana, Addl.CGSC.

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Hon'ble Mr. A.B.Gerthi, Administrative Member

Contd:...2/-

O.A. 761/94.

Dt. of Decision : 27-1-95.

ORDER

{ As per Hon'ble Shri A.V.Haridasan, Member (Judl.) }

The applicant was appointed as a Casual Khalasi in the office of the Inspector of Works, Secunderabad on 19-12-1976. He was regularised in service as a Khalasi on 02-06-1989 and was transferred to the office of the Inspector of Works, Hyderabad on 20-11-1990. He was promoted as Khalasi/Helper in the scale of Rs. 800-1150/- with retrospective effect from 01-12-1989. His grievance is that he was told in the month of March 1994 that he is due for retirement from service on superannuation on 31-01-1995, and that, when he verified his service record it was found that his date of birth was recorded as 29-01-1937 while in fact he was born only on 03-06-1939. The applicant made a representation to the 4th respondent praying for correction of his date of birth as 03-06-1939 producing a certificate issued by the Municipal Authorities (Annexure-A2). Since the request of the applicant for alteration of date of birth was rejected, the applicant has filed this application. The applicant has stated that until he was informed in the month of March 1994 that he was due for retirement from service on superannuation on 31-01-1995, he never knew that his date of birth was recorded as 29-01-1937 and that since his actual date of birth is 03-06-1939 as revealed from the date of birth certificate issued by the Municipal Authorities, he is entitled to have his date of birth corrected in the service records and to continue in service until the age of superannuation accordingly. The applicant has therefore prayed that the respondents may be directed to correct his date of birth and to allow him to continue in service until his age of superannuation on 30-06-1997.

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2. The respondents in their reply affidavit have contended that the applicant's age was 40 years, when he was taken as casual khalasi in the year 1976, that on the basis of his declaration, as also, on the basis of the assessment of age by the Doctor, his date of birth was entered into the service records as 19-01-1937, and that, the applicant is not entitled to get his date of birth in the certificate issued by the Municipal Authorities does not contain the name of the applicant and therefore it cannot be conclusively held that the certificate relates to his birth.

3. After hearing the arguments for quite some time we directed the railway administration to produce the file if any in which the applicant after joining service had declared or altered his date of birth as 29-01-1937. Accordingly, the railway administration has today produced for our perusal a file which contains family declaration made by the applicant on 01-06-1977 in which under his signature a declaration was given showing himself to be aged 40 years, his wife age 35 years and his daughter age 18 years etc., A photo copy of the application submitted by the applicant before the SC Railway Employee Co-operative Credit Society Limited, Secunderabad for membership on 30th June 1989 was also produced. In this application the applicant's date of birth is shown as 29-01-1937. The applicant who is present in person, admitted the fact that the application for membership in the society was shown to him and it was signed by him. He has also accepted the signature contained in the family declaration in 1977 was also signed by him. However, he did not admit that the entry recording the date of birth in the application form and actual age declared in 1977 was correct. It is evident from the signature of the applicant in the application form submitted to the society

Copy to:-

1. The General Manager, S.C.Railway, Rail Nilayam, Secunderabad
2. The Divisional Railway Manager, Borad Guage, Sanchalan Bhavan, Secunderabad.
3. Sr. Divisional Personal Manager, D/O D.R.M. Officer, Secunderabad.
4. The Chief Inspector of Works, Borad Guage, Near Railway Station, Nampally, Hyderabad.
5. One copy to Sri. K.V.R.Pantulu, advocate, Flat No.204'A' Block, Archana Apartments, Adjacent to Habron Church, Golconda Chourasta, Hyd-20.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

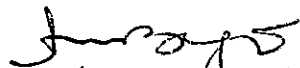
Rsm/-




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to the membership, as well as, in the family declaration that the applicant is literate and he is a person who can sign well in English and understand what is written in English. In other words, it is impossible to believe that he do not understand that wording, "date of birth" typed in the application for membership to the credit society, against which the date of birth was recorded as 29-01-1937. The fact that in 1976 he has declared his age as 40 years consistent with the date of birth shown in his service records as well as in the application form membership in the SC Railway Employee Co-operative Credit Society Limited, Secunderabad is not in dispute. So, from these two documents which were produced before us, we have no doubt of the fact in 1976 and 1977 the applicant's age was 40 years and that on 30th June 1989 when he presented the application form membership of the SC Rly Employee Co-operative Credit Society Limited, he was well aware that his date of birth was 29-01-1937, as recorded in the service register. If the applicant had any grievance about the date of birth as recorded in the service register as 29-01-1937, he should have immediately taken steps to get it corrected. It is not open to come forward at the ~~ag~~ end of his service, few months prior to the retirement, to ~~seek~~ ^{seek} alteration of the date of birth in the service register, and for continuance in the service, We therefore do not find any merit in this application.

4. In the result the application is dismissed. Leaving the parties to bear their own costs.


 (A.B. Gorthi)
 Member (Admn.)


 (A.V. Haridasan)
 Member (Judl.)

Dated : The 27th January 1995.
 Dictated in Open Court.


 Dy. Registrar

Contd

761/94

TYPED BY

COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

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

DATED :

27/1/95

ORDER/JUDGEMENT.

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

O.A.No.

in

761/94

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

No spare copy

YLKR

Central Administrative Tribunal
DESPATCH
28 MAR 1995
HYDERABAD BENCH

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