

(93)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1020/94.

Dt. of Decision : 7-9-94.

Yellaiah Komaraiah

.. Applicant.

Vs

1. Union of India, rep. by its
General Manager,
SC Rly, Rail Nilayam,
Secunderabad.

2. The Divl. Railway Manager,
SC Rly, Hyderabad(MG)Division,
Secunderabad.

.. Respondents.

Counsel for the Applicant : Mr. N. Raman

Counsel for the Respondents : *Mrs. D. Gopal Rao*
SC for Rlys.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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O.A.No.1020/94

Dt.7.9.94

X A s per Hon'ble Shri A.V.Haridasan, Member (Jud1.) X

This is an application filed under Section 19 of the Administrative Tribunals Act. The applicant who commenced his career as a casual labour in the year 1961 and appointed in regular service in 1963 has challenged the order dt. 8.8.94 by which he was informed that the competent authority has not accepted his request for alteration of date of birth made on 28.12.93. It is alleged in the application that when the applicant was regularly appointed in service his date of birth was recorded as 16.9.35 instead of 29.12.42 which is his real date of birth, that he came to knew of this fact only on 30.9.93 when he was informed that he was due to retire on 30.9.94 that he had obtained a certificate of the Sarpanch of the village to the effect that his date of birth is 29.12.42 and also sworn and signed on affidavit and that the competent authority has rejected his request for alteration of date of birth without application of mind. According to the applicant to compel him to retire 5 years prior to his ~~real date of birth~~ superannuation is unjust and illegal and therefore the applicant prays that the respondents may be directed to allow him to continue in service till the date of superannuation reckoning his date of birth as 29.12.42.

2. I have gone through the application and I have heard Mr.N.Raman, learned counsel for the applicant. Learned counsel argues that the applicant is an illiterate person who did not know his recorded date of birth he was served with the notification dt. 30.9.93 that he has taken all steps for getting the date corrected and that the respondents have not

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Copy to:

1. The General Manager, Union of India,
South Central Railway, Railnilayam,
Secunderabad.
2. The Divisional Railway Manager, South Central Railway.
Hyderabad (MG) Division, Secunderabad,
Advocate, CAT, Hyderabad.
3. ~~Mr. D. Gopal Reddy, Secretary, Hyderabad~~
4. One copy to Mr. D. Gopal Reddy, Secretary, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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his claim properly and have not passed a reasoned order.

Therefore he argued that this is a fit case where the respondents have to be directed to correct the date of birth of the applicant in his Service Records. The applicant though entered service as casual labour on

The date of filing the application he was holding a class-III post. He also argued that never he had seen his service record and that he did not know that his date of birth was recorded as 16.9.35. Hence

it should be taken that the applicant knew that his date of birth was recorded as 16.9.35 and therefore if he had any grievance regarding that, he should have applied for getting the date of birth altered within a reasonable time after the date of birth was recorded in his service records. It is not open for him to request for a change of date of birth after a period of 30 years. The learned counsel for the applicant argued

that the competent person to take decision regarding alteration of date of birth the impugned order A-5 issued by the D.R.M. being incompetent is liable to be struck off. The impugned order is only a communication of the decision taken by the competent authority. Therefore there is no merit in this contention either. Hence I do not find any case to be gone into and I therefore, reject this application under Section 19 (3) of the Administrative Tribunals Act. There is no order as to costs.

(A.V.HARIDASAN)
Member (Judl.)

Dated: 7th September, 1994

(Dictated in Open Court)

Amulya 28.8.94
DEPUTY REGISTRAR(J)

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1. Typed by
2. Checked by

Compared by
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIOSAN : MEMBER(J)

AND

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

Dated: 7-9-94

ORDER/JUDGMENT.

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

in
D.A.NO. 1020/94
T.A.NO. (W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

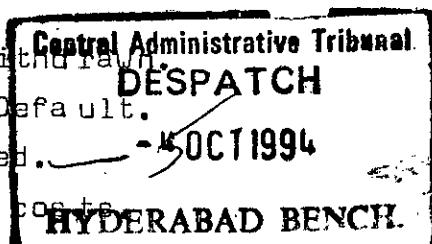
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered. 5 OCT 1994

No order as to costs.



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