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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1472/94

decided on : 6-12-94

Between

S. Nagalakshmi

: Applicant

and

1. The Accountant General(A&E)
Andhra Pradesh
Hyderabad

2. The Comptroller & Auditor General
New Delhi

3. The Secretary
UPSC, New Delhi

: Respondents

Counsel for the applicant

: P. Bhaskar, Advocate

Counsel for the respondents

: G. Parameswara Rao,
SC for R-1

CC No. R-223

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMIN.)

O.A.No.1472/94

Dt. of decision:6-12-1994

O R D E R

(As per Hon'ble Justice Sri V. Neeladri Rao, V.C.)

The applicant is working as A.A.O. Economic Services Compilation-I in the office of the A.G. (A&E), Hyderabad. The date of birth of the applicant as in the Service Record is 15-1-49. She is in the scale of Rs.2000-3200 for more than 5 years by 2-1-94.

2. Notice for Special Limited Competitive Examination for induction into Indian Audit and Accounts Service, 1995 was published in Employment News, dated 29 Oct. to 4th Nov. 1994. It is stated therein ~~with regard to the age limit~~ ^{should not have} that the candidates ⁴⁵ attained the age of ~~35~~ years as on 1-1-95 i.e. one must have been born not earlier than 2-1-50. The applicant has not thus satisfied the ^{upper} age limit.

3. The applicant ^{requested} ~~submitted~~ to R-1 i.e. A.G. (A&E), A.P. to forward her application to R-3 by enclosing an application that her actual date of birth is 14-1-50 and her date of birth may be corrected as 14-1-50 in the Service Record before forwarding her application to R-3. The certificate of birth issued by the Registrar of Births and Deaths, Chittoor, A.P. was enclosed to the same.

4. The note(vi) to F.R. 56 was amended vide D.O.P. & A.R. Notification No.19017/7/97-Ests. (A), dt. 30-11-79. The ^{is} ~~to be~~ request for correction in regard to date of birth. The amendment which had come into effect from 30-11-79 makes it clear that the request for correction of date of birth in the Service Record has to be

made within 5 years of entry into government service.

Their Lordships of the Supreme Court held in 1993 SCC (L& S) 375 in U.O.I. Vs. HARNAM SINGH that the said amendment is equally applicable even for those who ^{were} ~~are~~ in service by 30-11-79, and they have to submit their representations, if it is necessary to have correction in regard to the date of birth, within 5 years from 30-11-79. Thus any request for correction of date of birth in regard to those who ^{were} ~~are~~ in Central Government service by 30-11-79 cannot be entertained. If such request is made on or after 1-12-84.

5. Hence, this belated request of the applicant for correction of date of birth cannot be directed to be entertained by R-1.

6. As the applicant has not satisfied the maximum age by the cut-off date, no direction can be given to R-1 to forward her application ^{for} appearing for Special Limited Competitive Examination for induction into Indian Audit and Accounts Service, 1995.

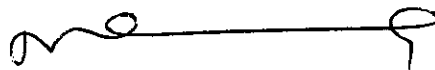
7. It is stated for the applicant that the said Limited Competitive Examination was not conducted for the last 22 years, and hence the age relaxation would have been given by the respondents. As it is one of the policy, it is not for the Tribunal to give any direction in the matter. If, in fact, the said Competitive Examination was not conducted for more than two decades, as referred to, it is for the applicants and similarly situated officers to make a representation to the concerned

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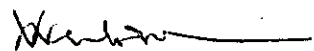
authorities praying for relaxation of the upper age limit for appearing for the Limited Competitive Examination for the IA & AS 1995.

8. Hence, on the basis of the material on record, no direction can be given either as prayed for or otherwise.

9. The O.A. is accordingly closed at the admission stage. No costs./



(R. Rangarajan)
Member (A)



(V. Neeladri Rao)
Vice Chairman

Dt. 6-12-1994
Dictated in the Open Court.


Deputy Registrar(J)CC

kmv

To

1. The Accountant General (A&E)
A.P. Hyderabad.
2. The Comptroller and Auditor General, New Delhi.
3. The Secretary, UPSC, New Delhi.
4. One copy to Mr.P.Bhaskar, Advocate, CAT.Hyd.
5. One copy to Mr.G.Parameswar Rao, SC for AG. CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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urgent
Received
on 9/12/94
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M.A.

DATED: 6-12-1994

ORDER/JUDGEMTN:

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

in

O.A.No. 1472/94.

T.A.No.

(w.p.)

and Interim directions
issued.

Allowed. *closed*

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH
em 19 DEC 1994
HYDERABAD BENCH.