

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 646/94.

Dt. of Decision : 20.7.94.

Mr. G. Mysaiah

.. Applicant.

vs

1. The Chief Personnel Officer,
SC Rly, Rail Nilayam,
Secunderabad, A.P.,
2. The District Collector,
3. The Director of School Education,
Government of A.P. Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. P. Venkateswarulu

Counsel for the Respondents: Mr. D. Gopal Rao, SC for Rlys.

** Spcl. counsel for R.P.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

JUDGEMENT

(as per Hon'ble Sri Justice V.Neeladri Rao, Vice-Chairman)

Heard Sri P.Venkateswarulu, learned counsel for the applicant and Sri D.Gopal Rao, learned counsel for the respondents.

2. This O.A. was filed praying for a direction to the respondents to correct the date of birth of the applicant as 1-1-1939 instead of 23-6-1936 which was already recorded in the Service Register.

3. The applicant was working as Chief Inspector by 2-6-94 the date on which this O.A. was filed. It is contended for the respondents that this O.A. was filed is not maintainable as the representation for correction of date of birth was made long after 1975 (the Railway Board's order of 4-8-72 in regard to Rule 157 of the Railway Estt. Code states that all requests for correction of date of birth had to be filed within three years from that date or from the date of joining whichever is later). We held in O.A. 783/93 by order dated 26-7-93 that the said executive order dated 4-8-72 is equally applicable for those who are in service by that date by observing that the Full Bench judgment dated 17-8-89 in T.A.No.1104/86 of CAT, Hyderabad (Mallela Sreerama Murthy & anr. Vs. UOI & ors.) vide 1990 (1) SLR 264 (CAT) is per incuriam in the light of the Supreme Court judgment in 1993 SCC(L&S) 375 (UOI Vs. Harnam Singh). As the applicant had come up with representation dated 29-4-93 praying for correction of date of birth and as such long after 1975 this O.A. is liable to be dismissed on being barred by limitation.

✓ contd...3.



4. Even though a direction was given by the Collector of Medak on 26-8-94 to the Director of School Education, A.P., Hyderabad for correction of date of birth as 1-1-39, the applicant cannot claim on that basis that his date of birth has to be corrected for determining the age of superannuation as it has to be stated in view of the judgment of the Supreme Court that such representations or requests for correction of date of birth have to be made ~~within five years from the date of entry into the service~~ ^{the period prescribed} for those who join subsequent to 1979 and before 1979. As the O.A. is liable to be dismissed on the ground of limitation, the question of consideration in regard to merits does not arise.

admission stage. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neelakanta,
Vice-Chairman)

Dictated on 10th October 1994

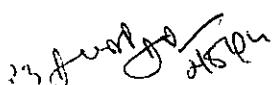

Deputy Registrar (J) CC

sk/mhb

To

1. The Chief ~~Personnel~~ Officer, Railnilayam, Secunderabad, A.P.
2. The District Collector, Medak Dist., Sangareddy, A.P.
3. The Director of School Education, Govt. of A.P. Hyderabad.
4. ~~Asamra Bazaar~~ Mr. P. Venkateswarlu, Advocate, 4-7-220
5. One copy to Mr. D. Gopal Rao, SC for Rlys, CAT. Hyd.
6. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt. CAT. Hyd.
8. One spare copy.

pvm


23/10/94

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

THE HON'BLE MR.R.RANGARAJAN : M(ADMIN)

DATE: 20 - 7 - 1994

~~ORDER/JUDGMENT~~

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

in

O.P.No.

646/94

(T.L.No.)

(W.P.NO)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

~~Dismissed~~

Dismissed as withdrawn

Ordered/Rejected

No order as to costs.

pvm

