

1

(24)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD

O.A.No: 1353 of 1995

BETWEEN:

E. Mohammed Kutty

APPLICANT

A N D

The Chief Workshop Manager,  
South Central Railway, Hubli  
and others.

RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF RESPONDENTS

I Mallar Rao Pachapur S/o Dhanajaya, aged 57 years,  
R/O Hubli do hereby solemnly affirm and sincerely state as  
follows:

1. I am working as Workshop Personnel Officer in the  
Office of Chief Workshop Manager, as such I am well acquainted  
with the facts of the case. I am filing this reply statement  
on behalf of respondents and I am authorised to file the same.
2. At the outset, it is submitted that the OA is barred  
by limitation and latches. The applicant was appointed as  
substitute Gangman on 19-1-1973 under Assistant Engineer  
Castle Rock and afterwards promoted as Tr.Fitter, Fitter - III  
to Fitter II & I. Now the applicant is working as Fitter-I.  
The applicant at the time of appointment given his date of  
birth as 15-1-1950 and the same was recorded in the Service  
Register of the applicant. So the above date of birth is  
recorded on the basis of the declaration given by the applicant.  
The applicant did not raise any objection about the correct-  
ness of the date of birth till January 1995 when he submitted  
a representation seeking alteration of the dates of Birth

  
ATTESTER

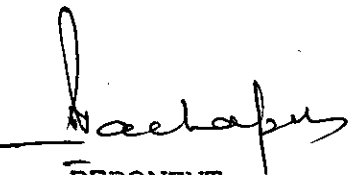
  
DEPONENT

कारखाना कार्मिक अधिकारी  
ए. स. रेलवे, हुबली कारखाना,  
हुबली.  
Workshop Personnel Officer/  
S. C. Rly. Workshops/  
HUBLI

from 15-1-1950 to 15th Dec' 1950. In fact the applicant himself seen his SR and signed also but he did not raise any objection about his D.O. Birth. He was replied by the respondents vide letter No. L/P.535/CF dt: 13-2-1995 stating that alteration of the Date of Birth was not permissible as per the extent rules. It is not the case of the applicant that his date of birth is altered now in S.S.L.C, which was in his possession from the date of its issuance. Therefore, he must have submitted to the respondent for correction of his date of birth within the specified period as prescribed under rules. So the applicant cannot claim the alteration of the date of birth after lapse of 22 years. The Hon'ble Supreme Court upheld the rule position of the department that "an employee should apply for alteration of date of birth within the period allowed as per the relevant rules". Hence the OA is liable to be dismissed on the ground of laches and limitation.

3. It is submitted that the applicant was appointed as substitute Gangman on 19-1-1973 and he was transferred to Hubli Workshop on 1st December' 1977 as Khalasi. The applicant is now working as Fitter Gr.I in Respondent No.1. The applicant being literate must know the importance of the date of birth while declaring his date of birth at the time of entering into service. If any wrong date of birth is given, he should immediately have taken steps for correction of the date of birth. As per Rule 225 (4) (iii) of Indian Railway Establishment code Vol.I a date of birth recorded in service register in accordance with this rule shall be binding on the part of an

  
ATTESTER

  
DEPONENT  
कारखाना कार्मिक अधिकारी  
द. म. रेलवे, हुबली कारखाना,  
हुबली  
Workshop Personnel Officer  
S. C. Rly. Workshops,  
HUBLI.

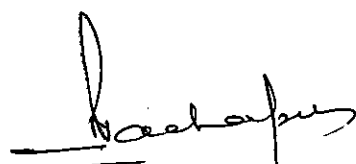
28

-: 3 :-

employee and no alteration of such date was ordinarily be permitted subsequently. It is also further envisaged that a complaint should not be entertained after completion of probation period or 3 years of service whichever is earlier. Admittedly the applicant failed to comply with the above requirement and submitted the application for alteration of date of birth in 1995, after a lapse of 22 years of his entering into service.

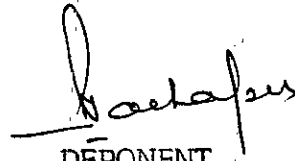
4. It is further submitted that whatever the evidence including the educational certificates indicating the date of birth should be submitted at the time of entering into the service. In fact the employee should declare the correct particulars of the date of birth, antecedents etc and declaring false information would entail disciplinary action. So the respondents have within their power to refuse to take cognizance of the S.S.L.C. Certificates submitted by the applicant at a later stage. Hence the rejection of the request of the applicant for alteration of the date of birth is as per extent rules and there is no violation of any rules and it is legal. Even the copy of the alleged post basic School Leaving Certificate, which is annexed to the OA does not bear the date of issue of the said certificate. The Hon'ble Tribunal may put the applicant to strict proof about the filing of un-authentic copies in the Tribunal. The OA liable to be dismissed for applicant's latches.

  
APPLICANT

  
DEPONENT  
कारखाना कार्मिक अधिकारी  
द. म. रेलवे, हुबली कारखाना,  
हुबली  
Workshop Personnel Officer  
S. C. Rly. Workshops,  
HUBLI

27

In view of the above submission, there are no merits in the OA. The Hon'ble Tribunal may be pleased to dismiss the OA.



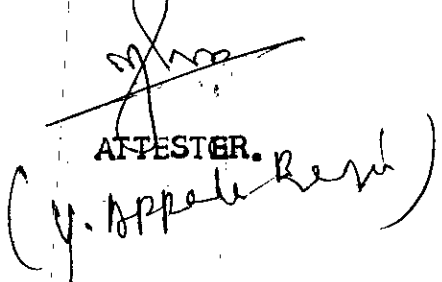
DEPONENT

कारखाना कार्मिक अधिकारी  
ए. ए. रेलवे, हुबली कारखाना,  
हुबली.

Workshop Personnel Officer  
S. C. Rly. Workshop,  
HUBLI

Solemnly sworn and signed  
his name on this day of 3<sup>rd</sup>  
22 June 1996 before me.

Before me

  
ATTESTER.  
(Y. Appala Rao)

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

O.A. 1353 ~~1353~~ of 1995



*Memo filed*  
*on: 27-2-96*

REPLY AFFIDAVIT/STATEMENT FILED  
ON BEHALF OF RESPONDENTS

FILED ON: 11-06-96

*Received copy*  
*17/6/96*

Filed by

V. RAJESWARA RAO  
Addl. CGSC.  
SC for Railways  
104/2RT, S.R. Nagar,  
HYDERABAD.

*Copy filed*  
*[Signature]*