

(36) (36)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 1032/95.

Dt. of Decision : 01-08-96.

M. Laleppa

.. Applicant.

Vs

1. The Sr.Divl.Personnel Officer,  
SC Rly, Guntakal,  
Anantapur District.
2. The Divl.Railway Manager,  
SC Rly, Guntakal,  
Anantapur District.

.. Respondents.

Counsel for the Applicant : Miss Sarada for  
Mr. P.Krishna Reddy

Counsel for the Respondents : Mr. V.Rajeswara Rao, Addl.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

..2



ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Miss Sarada for Mr.P.Krishna Reddy, learned counsel for the Applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA joined as ELR Khalasi ~~under the 1st class, entered in the year 1968 and thereafter~~ he attained temporary status. He was regularised as a Watchman in Group-D in the year 1978.

3. On 05-01-1971 it is stated for the applicant that a Medical Certificate bearing No.RBC 440/21 was issued by the Medical Officer, Guntakal according to which of the applicant was assessed as 25 years. However in the SR of the applicant which was opened on 26-10-1972 the date of birth was recorded as 01-07-1940. The applicant put his thumb impression as well as signed the same as having accepted the date of birth as 01-07-1940. It is not understood why the railway authorities did not question him in regard to the medical certificate issued by the Medical Officer, Guntakal stating his age as 25 as on 5-1-1971 and the recorded date of birth in the SR. It is the responsibility of the respondents to cross check the age so that ~~there can be no need~~ <sup>if any is not pointing out,</sup> ~~their own discrepancy~~ at a later year. The reason for not cross checking has not been explained at all in the reply also, Except stating in para-4 that the medical certificate issued by the Medical Officer has no relevance to consider for alteration of recorded date of birth of the applicant in the SR. This remark is very unsatisfactory.

4. The applicant submits that he studied 7th class. It is not understood in which school he was studied. However, the

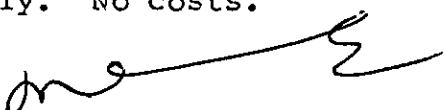
certificate issued at Annexure-VI ~~to~~ state that his date of birth is 1-7-1946 <sup>(as)</sup> signed by the Principal of Government Junior College, Uravakonda. It is not understood whether the records of the applicant when he studied in that school much earlier to 1968 was available or not. This is a point, the applicant should satisfy the respondents.

5. The present OA is filed from 1-7-40 to 1-7-46 relying on the medical certificate and the school certificate as indicated above.

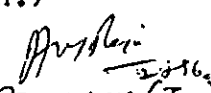
6. The OA has been filed without any details. If the TC was available with the applicant on the date he joined railway service he could have produced the same <sup>for</sup> regarding his date of birth correctly in the SR. When the Doctor has given a certificate <sup>indicating his age</sup> as 25 years as on 5-1-71 the respondents should have cross-checked the age as entered in the SR and the age as certified by the Medical Officer. The railway authorities failed to cross check the same. After a lapse of over 25 years the applicant now filed this OA for alteration of date of birth. In view of the lapses of both the sides as pointed out above, no positive direction can be given in this OA. It is for the department to once again review the various documents and arrive at a final decision. The applicant should assist in getting the records as required by the department so as to enable the authorities to take a final decision in this case.

7. In view of what is stated above, R-2 <sup>is</sup> directed to decide the correct date of birth of the applicant on the basis of various records and the records to be submitted by the applicant keeping due note of the observations made by me as above.

8. The OA is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

Dated : The 01st August 1996.  
(Dictated in the Open Court)

  
Dy Registrar (J)

39 (20)

: 4 :

O.A.1032/95.

Copy to:-

1. The Sr. Divisional Personnel Officer, S.C.Railway, Guntakal Anantapur District.
2. The Divisional Railway Manager, South Central Railway, Guntakal, Anantapur District.
3. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswar Rao, SC for Rlys, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

22/8/95

1032/95

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 1/8/96

~~ORDER/JUDGEMENT~~  
~~O.A.NO./R.A./C.P.NO.~~

in  
O.A.NO. 1032/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

कन्दार प्रशासनिक अधिकरण  
Central Administrative Tribunal  
डिस्पैच/DESPATCH  
21 AUG 1996  
हैदराबाद ब्याचपीठ  
HYDERABAD BENCH

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