

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1413/96

Date of Order: 6.12.96

BETWEEN:

Madda Jayadasu

.. Applicant.

AND

1. General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.2. Chief Personnel Officer, Rail Nilayam,
S.C.Rly., Secunderabad.3. Chief Signal and Telecom Engineer,
S.C.Rly., Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr.K.K.Chakravarthy

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

HON'BLE SHRI R.Rangarajan, Member (Admn.)

Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.)

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J U D G E M E N T

(Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.))

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Heard Shri K.K.Chakravarthy, learned counsel for the applicant and Shri N.R.Devraj, Learned standing counsel for the respondents.

2. The applicant herein joined service in the year 1964. At that time his date of birth as per school records was noted as 1.7.39. The applicant ~~now~~ ^{due} states that as per that ~~earlier~~ date of birth he is ^{to} retire on 30.6.97.

3. The applicant now submits that while ^{he} ~~he~~ ^{was} ~~in~~ his village he gathered from his ~~maternal~~ ^{her} aunt, his date of birth is 3.3.41 and to that effect he has also filed a certificate of birth

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issued by M.R.O. (Page-5 of the OA).

4. The present application is filed for change of date of birth from 1.7.39 to 3.3.41 and on that basis ^{to} allow him to retire later. The applicant is to retire in another 7 months time. The Supreme Court repeatedly cautioned the lower courts that whenever the date of birth has to be changed at the fag end of service caution should be exercised in giving direction for change of date of birth. It is further directed by the Supreme Court that the date of birth should be changed only if there is irrefutable evidence to that effect.


5. The Railway Board had ~~also~~ issued instructions way back in 1973 calling for representations for change of date of birth. The applicant states that he has not submitted any representation at that time. Note-5 of ^{of Rule 56 or} FRSR also states that the representation ^{of the} for change of date of birth should be submitted within 5 years from the date of joining service. The above instruction has been upheld by the Supreme Court. Even taking the date of the order of the Supreme Court ^{for counting the five year period} the applicant should have filed a representation for change of date of birth before 1984. But he ~~failed~~ to do so. The irrefutable documents for change of date of birth is the school record on ^{the basis of which} ~~which~~ his initial date of birth was noted. That date of birth in the school record ^{still} ~~will~~ remains to be ^{altered} ~~changed~~. The applicant now submits that he has submitted a representation and a direction can be given to dispose of that representation. We do not see any reason to give a direction as prayed for by the applicant to dispose of his representation. The applicant has not made out any case for change of date of birth. All the ^{dictums} ~~directions~~ of the Supreme Court ^{are} ~~is~~ against him. ~~In view~~

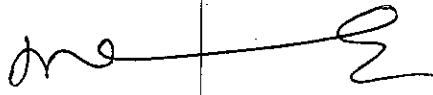
6. In view of what is stated above we do not see ^{any} ~~no~~ reason to give any direction in this OA and this OA is liable only to be dismissed at the admission stage itself-.

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7. The OA is dismissed at the admission stage itself.

No costs.


(B.S. JAI PARAMESHWAR)
Member (Judt.)


(R.RANGARAJAN)
Member (Admn.)

Dated: 6th December, 1996

(Dictated in Open Court)

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Copy to:-

1. General Manager, S.C.Rly, Railnilayam, Sec'bad.
2. Chief Personnel Officer, Rail Nilayam, S.C.Rly, Secunderabad.
3. Chief Signal and Telecom Engineer, S.C.Rly, Vijayawada.
4. One copy to Sri. K.K.Chakravarthy, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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2/1/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
AND
THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 6/12/96

~~ORDER/JUDGEMENT~~
~~2. A. / C. P. / H. A. NO.~~

O.A. NO. 1413/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
~~DISMISSED~~
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
~~NO ORDER AS TO COSTS.~~

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेजत / DESPATCH
1-1 JAN 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH