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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.NO.54/96

Date of Order: 3.7.96

BETWEEN :

Y.V.S.Narasimha Rao

.. Applicant.

A N D

1. The Secretary to the Department of Telecommunication, Sanchar Bhavan New Delhi.
2. The Chief General Manager, A.P.Telem Circle, Doosanchar Bhavan, Nampally Station, Hyderabad.
3. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyderabad. .. Respondents.

Counsel for the Applicant

.. Mr. K.Venkateswara Rao

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM:

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

JUDGEMENT

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

Heard Mr. K.Venkateswara Rao, learned counsel for the applicant and Mr. N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA is a Senior Accounts Officer of the Telecom department. He had applied for his change of date of birth from 14.10.38 to 11.10.40 by his representation dated 11.3.88 (A-1). He has enclosed the extract of the birth certificate from Sub Registrar, Undi. But his school leaving certificate shows that his date of birth is 14.10.38. It appears that the applicant did not take any effort to correct the date of birth in the S.S.L.C. register. But the

(Signature)

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respondents took over on them to write to the D.P.I., Andhra Pradesh for correcting the date of birth of the applicant in the first page of the S.S.L.C. Register. The reasons for the respondents to approach the D.P.I. is not known. It is not for the department to write to the D.P.I. for correction of date of birth in the S.S.L.C. register. Unnecessarily the department has prolonged this case instead of replying him for his representation on the basis of the facts available. In case ^{for} the department to get some more information they could have directed the applicant to produce the details and close this case thereafter. Unfortunately the department made an enquiry and replied him by letter No. TA/STA/72-12/189, dated 29.12.95 asking him to confirm his actual date of birth from the records.

3. This OA is filed praying for a direction for correction of his date of birth from 14.10.38 to 11.10.49 relying on the birth extract of Sub Registrar, Undi and for further consequential directions. The applicant being a Senior Accounts Officer should have known the rules well. Note 6 Under ER 56 as ~~amended by G.I.D.P. & A.R. Notification No. 19017/7/79-ESTS (A)~~ dated 30.11.79 published as SO 3997 in the Gazette of India dated 15.12.79 and takes effect from that date indicates that any employee who wants to correct his date of birth should apply within 6 years of joining service. That rule was upheld by Supreme Court in Union of India vs. Harnam Singh (1993 SCC (L&S) 375). The applicant failed to approach the authorities in accordance with the rules. He only approached the authorities only in the year 1988 and that too without correcting his date of birth in the first page of the S.S.L.C. register. The applicant having filed his representation in the year 1988 should have approached the proper judicial form if he has not got the ~~replied~~ relief within a reasonable period. But for some unknown ^{to approach the judicial form in time} reasons he failed and filed this OA on 16.1.96 i.e. at the ~~end of his career~~ end of his career.

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The Appex Court has emphasised that the relief for correcting the date of birth if anyone approaches the court on the fag end of the carrier should be dealt with very carefully and no hurry should be shown in granting such ~~prayer~~ relief.

4. I find no merit in the OA and also that ~~case~~ of the applicant had approached the Tribunal at the fag end of his ^{case} carrier. I see no reason for admitting this OA. In the result the OA is dismissed. No costs.

Over
Dated : 3rd July, 1996

(Dictated in Open Court)

(R. RANGARAJAN)
Member (Admn.)

Amriti
Dy. Registrar (Jd.)

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Copy to:-

1. The Secretary to the Department of Telecommunication, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, A.P.Telcom Circle, Doorsancha Bhavan, Nampally Station, Hyd.
3. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyd.
4. One copy to Sri. K.Venkateswara Rao, 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.

Rsm/-

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COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 3/7/96

ORDER/JUDGEMENT

D.A. NO. /R. /C.P. No.

D.A. NO.

34/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No, Spare Copy

