

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1138/96

DATE OF ORDER : 27-09-1996.

Between :-

K. Showri

... Applicant

And

1. Sr.Divisional Personnel Officer,
S.C.Railway, Vijayawada.

2. Divisional Railway Manager,
S.C.Railway, Vijayawada.

... Respondents

-- -- --

Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri J.R.Gopal Rao, SC for Rlys

-- -- --

CORAM:

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

-- -- --

.... 2.

D

(Oral Orders per Hon'ble Shri R.Rangarajan, Member (A)).

-- -- --

Heard Shri G.V.Subba Rao for the applicant and Shri J.R.Gopal Rao for the Respondents.

2. The applicant in this O.A. joined in the year 1969 as a Casual Labourer. He was brought on temporary status on 6-12-78 and he was regularised on 25-10-81. It is stated for the applicant that though he had studied up to 7th class, he is not aware of his exact date of birth. His controlling officer entered his date of birth as 15-4-49 at the time of his engagement as Casual Labourer and the applicant has not given any declaration to that effect. It is further stated that he came to know about the wrong recording of his date of birth when the seniority list of T.P.Hammals was published on 19-4-94. Thereafter he submitted a representation to Respondent No.1 by his representation dt.22.11.95 for correction of his date of birth. He also filed another representation to the Chief Personnel Officer, S.C.Railway, Sec'bad by his representation dt.11.8.95 in this connection. He has enclosed to his representation addressed to the Chief Personnel Officer, his Transfer Certificate issued by the Head Master, Municipal Upper Primary School, Mutyalampadu, Vijayawada, the extract of the date of birth indicated in the Register of Baptisms (Annexure - VII) and also the Extracts of the Birth Certificate (Annexure-VIII). The Chief Personnel Officer, who is the competent authority to issue orders for correction of date of birth as per rules has not disposed of the representation dt.11.8.95. But the Respondent No.1 had dis-

26

posed of his representation by the impugned order No.B/P.613/I/C1.IV dt.29-12-95 (Annexure-I). He was also informed by letter No.B/P.613/I/C1.IV dt.19-2-96 (Annexure-II) that he could not have joined as Casual Labourer if his year of birth is 1954 as he will be under aged at the time of his engagement as Casual Labourer.

2. This O.A. is filed challenging the order dt.19-2-96 (Annexure-II) and for a consequential direction to set aside the same and for a further consequential direction to the respondents to alter his date of birth from 15-4-49 to 19-4-54 in confirmity with the date of birth as recorded in Births & Deaths Register of Government of Andhra Pradesh, which is ^a statutory recognised body.

3. It is admitted that the Chief Personnel Officer is the appropriate authority for ordering correction of date of birth. Hence it will be incorrect for the lower authorities to reply him in this connection without getting orders from the appropriate authority i.e. the Chief Personnel Officer, ^{whereas here the case is submitted to the C.P.O.} to dispose of the representation of the applicant dt.11.8.95 taking into account all the annexures attached to that representation.

4. In the result, the OA is ordered as follows :-
"The Chief Personnel Officer, S.C.Railway, Sec'bad should dispose of the representation of the applicant dt.11.8.95 (Annexure-V) taking into account all the Annexures to the above representation in accordance with the Law within a period of two months from the date of receipt of a copy of this order after making necessary checks."

5. Original Application is ordered accordingly at the admission stage itself. No order as to costs.

one

(R.RANGARAJAN)
Member (A)

Dated: 27th September, 1996.

Dictated in Open Court.

Amrit Singh
D.R.B.

sv1/

8/10/96
O/A 138/96

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED:

ORDER JUDGEMENT
R.A./C.P./M.A. NO.

in
O.A. NO. 1138/96.

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

YLR

II

No Spall (6)

