

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.789 of 1996

DATE OF ORDER: 8th July, 1996

BETWEEN:

Sk. HIDAYAT

.. Applicant

and

1. The Divisional Railway Manager,
BG/SC, South Central Railway,
Rail Nilayam, Secunderabad,
2. The Sr.Divisional Personnel Officer,
BG division, S.C.Railway,
Secunderabad.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI K.SUDHAKAR REDDY

COUNSEL FOR THE RESPONDENTS: Mr. N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri K.Sudhakar Reddy, learned counsel for the applicant and Shri Satyanarayana representing Shri N.R.Devaraj, learned senior standing counsel for the respondents.

2. The facts of this case as revealed from the affidavit filed by the applicant are as follows:-

The applicant in this OA joined as a Group 'D' staff on 1.4.67. It is stated that at the time of entering Railways, respondent-authorities entered in the service register of the applicant his date of birth as 17.4.39. The applicant submits that he came to know from the school records that his date of birth is 19.4.43 and not 17.4.39 as entered in the service register. It is stated that he gave a representation for changing of his date of birth as 19.4.43, on 24.3.95 (Annexure-I). It is also seen from the Transfer Certificate at Annexure-II that he applied for Transfer Certificate on 20.6.92 and on that Transfer Certificate his date of birth is stated to be as 19.4.43. To his representation dated 24.3.95, the applicant was informed to submit the original Transfer Certificate issued by Jawahar Bala Sadan Vidyalaya, Boys & Girls, Chikkadpally, Hyderabad. He submitted the said Transfer Certificate from the above said school immediately thereafter. It is further stated in the affidavit that the respondent-authorities contacted the school authorities and after a thorough inquiry, a report was submitted to the concerned authorities that the date of birth certificate which was produced by the applicant herein was found correct. But the applicant submitted that inspite of the above inquiry, no further action has been taken to correct his date of birth as entered in the Transfer Certificate. It is also stated that the Assistant Personnel Officer had written a letter to the Education Department for further



action but till today there is no further action ^{has been taken} for correction of the date of birth of the applicant ~~done~~ and also no reply has been given to him so far.

3. Aggrieved by the above, he has filed this OA praying for direction to the respondents not to retire the applicant on 30.4.97 and for consequential direction to retire as per his date of birth as entered in the Transfer Certificate.

4. It is a classic case where the respondents have neither accepted his request nor denied his request. When he has applied in 1995 itself for change of his date of birth, his case could have been settled one way or the other on the basis of the documents and other records. But the applicant states that an inquiry was conducted and in spite of it, no reply has been given to him. He was unnecessarily driven to the court without any proper reply to him as can be seen from the representation dated 3.4.96 at Annexure-VI.

5. In view of the circumstances explained, it is proper to remit this case back to the respondent-authorities to reply his representation after ascertaining the facts in accordance with the rules within a period of two months from the date of receipt of a copy of this order. As the applicant was driven to this court because of failure on the part of the respondents to reply him in time, an amount of Rs.50/- is



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to be paid to the applicant as costs in filing this OA. The amount is to be paid to him within 10 days from the date of receipt of a copy of this order and proof of the same should be submitted to the Registrar of this Tribunal.

6. The OA is ordered accordingly at the admission stage itself. No costs.

[Handwritten signature]

(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: 8th July 1996
Open court dictation.

[Handwritten signature]
DT Registrar (Judl)

vsn

contd...5/-

: 6 :

Copy to:-

1. The Divisional Railway Manager, BG/SC, South Central Railway, Rail Nilayam, Secunderabad. *(along with copy)*
2. The Sr. Divisional Personnel Officer, B.G.Division, S.C.Railway, Secunderabad. *(along with copy)*
3. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

30/7/96

GA-789/96

TYPED BY
COMPARED BY:

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8/7/96

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

IA
G.A. NO. 789/96

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

YLKR

II COURT

*Costs
in Enclosure cost memo also.*
NO Spare Copy

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
अदालत / DEPARTMENT
25 JUL 1996
हैदराबाद बेंच
HYDERABAD BENCH