

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.702/97

dt.9-6-97

Between

K. Showri : Applicant

and

1. General Manager
SC Rly., Rail Nilayam
Secunderabad

2. Chief Personnel Officer
SC Rly., Rail Nilayam
Secunderabad

3. Divisional Rly Manager
SC Rly., Vijayawada

4. Sr. Personnel Officer
SC Rly., Vijayawada : Respondents

Counsel for the applicant : G.V. Subba Rao
Advocate

Counsel for the respondents : C.V. Malla Reddy
SC for Railways

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HON. MR. H. RAJENDRA PRASADA Member (Admn.) *Qm/11*

OA.702/97

dated : 9-6-97

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(Admn))

Heard Sri G.V. Subba Rao, learned counsel for the applicant and Sri C.V. Malla Reddy for the respondents.

1. The Chief Personnel Officer, South Central Railway, has duly disposed of a representation of the applicant dated 11-8-95 in compliance with the direction of this Tribunal in OA. 1138/96. Prima-facie nothing survives for further adjudication.

2. The Baptism certificate produced by the applicant has to be ignored since the same indicates the date of birth as 12-3-1954 on hearsay. This date is discrepant to the date entered in the transfer certificate issued by the Municipal Upper Primary School, Vijayawada, and the Certificate issued by the Registrar of Births and Deaths, Municipal Corporation, Vijayawada. If the year of birth as given in these two certificates is taken to be correct, it would automatically lead to an implication that at the time of applicant's initial engagement he was merely 15 years old. Then, his services were also regularised in 1981 when a proper Service Register was opened at the same time. The original date of birth, as recorded in the initial engagement in 1969, was reflected in the said Service Register. These entries were signed by the applicant in token of having seen them without any protest. This was a full four years after the issue of the certificate by the Municipal Upper Primary School, Vijayawada. It is not known why the 'correct' year of birth, viz., 1954, was not brought to the notice of the authorities by the applicant atleast at that time.

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3. Learned counsel for the applicant submits that the original date of birth was not furnished by the applicant at the time of initial engagement and that some fanciful date was entered by the then engaging authority to suit his own convenience keeping in view the urgent requirement of casual labourers in 1969. Explaining why the entries in service register were signed by the applicant in 1981, the counsel for the applicant states that he was not provided any opportunity to point out errors therein and he was asked merely to sign in the Register. I do not find these pleadings acceptable.

4. From the record of the case and pleadings of the applicant it is noticed that there are certain discrepancies in his date of birth as recorded in the Transfer certificate issued by the concerned school, Baptism certificate and the Certificate of Birth issued by the Registrar of Births and Deaths, even though the year of his birth is uniformly shown as 1954 in all the three documents. This would itself seem to cast serious doubt on the reliability of dates as given in these documents. Furthermore, little credence can be placed on the Certificate of Baptism which appears to have been issued on mere hearsay and not on the strength of any dependable information/data.

5. Under the circumstances, the respondents were not incorrect in rejecting the representation of the applicant for a change in his date of birth as recorded at the time of his initial entry. Thus, even though the applicant, unlike many others in similar cases, did initiate efforts to have the date of birth changed fairly early in his career, the evidence produced by him cannot be said to be totally reliable. Under the circumstances the

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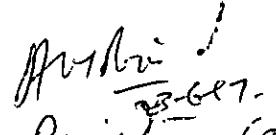
authorities were right in refusing to accede to his request for change of date. I do not find anything particularly objectionable or illegal in this decision.

6. I do not, therefore, find any basis on which this Tribunal could intercede on behalf of the applicant. The application is, therefore, disallowed as lacking merit.

7. Thus, the OA is disposed of.


(H. Rajendra Prasad)
Member (Admn.)

Dated : 9th June, 97
Dictated in Open Court


Deputy Registrar (D) ce

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O.A.702/98

To

1. The General Manager, SC Rly,
Railnilayam, Secunderabad.
2. The Chief Personnel Officer,
SC Rly, Railnilayam, Secunderabad.
3. The Divisional Railway Manager,
SC Rly, Vijayawada.
4. The Sr. Personnel Officer,
SC Rly, Vijayawada.
5. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
6. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

9/7/97

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 9-6 -1997

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 702/97

T.A.No.

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेवण/DESPATCH

4 JUL 1997

हैदराबाद ब्यायपीठ
HYDERABAD BENCH