

## FORM NO. 21.

(Sec Rule 114. )

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA/TELEGRAM.....126.2.....of 199 7.

.....P. Sivam.....Applicant (S)

Versus

.....Tir. Chintap. A. ....S. B. S. ....Respondent (S)

## INDEX SHEET

Serial No.	Description of Documents and Dates.	Pages.
Docket orders.		1 to 3
Interim orders		
Orders in MA (S)		21 to 23
Reply Statement		
Rejoinder		
Orders in (Final orders )	18-2-98	24 to 29
	+ H.C. 54/98	

Certified that the file is complete  
in all respects.Signature of  
Dealing Hand.

(In record Section )

Signature of S.O.

M. Venkateswaran  
15/3/01

Date	Office Note	ORDER
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21.11.97

Mr. Paul appearing for respondents request for 3 weeks to file the Counter. The same is granted.

KSM

Q  
21/11  
HHRP  
M(A)

12.12.97.

Mr. Paul on behalf of the respondents seek one week's time to file the Counter. The same is granted. List the Case on next Friday 19.12.97.

KSM

8/12/97  
HHRP  
M(A)

19.12.97

Counter filed  
By Mr. Paul, S.C.  
for Railway was  
returned for  
compliance of  
Office objection.  
The same has  
not been re-  
submitted.

DR  
29/12/97

It is mentioned by Mr. Paul on behalf of respondents that a Counter has been filed on 15.12.1997. Office to verify and bring this Counter on record.

None present for the applicant.  
List it on 30th December, 1997.

KSM

Q  
29/12/97  
HHRP  
M(A)

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No. 1262 of 1997.

P. Surya

Applicants(s).

VERSUS.

The chief personnel officer, SC Rly

Hyd & Sec

(Respondents).

Date	Office Note	ORDER
25.9.97		<p>Mr. <u>V. Surya Narayana Sastri</u> Mr. V. Surya Narayana Sastri for the applicant and Mr. D. F. Paul for the respondents.</p> <p>ADMIT</p> <p>Reply within six weeks.</p> <p>List it soon thereafter for further orders.</p> <p><i>2/10/97</i> HHRP M(A)</p> <p><i>11.10.97</i></p>

Abmille  
DM 11.10.97  
Issued  
11.10.97

-- 2 --

OA 1262/97

Date	Office Note	Order.
		<p><u>182/98</u></p> <p>OA is dismissed with no cash ride orders on separate sheet.</p> <p>D</p> <p>HORN H(A)</p>

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

O.A. No.

1262

1998

(Applicant(s)).

V E R S U S

(Respondent(s)).

Date	Office Note.	Order
30/12/97		<p>None Present for the Applicant. List it on 2/1/98 under the head for dismissal.</p> <p style="text-align: right;">HRRN M(A)</p>
<u>2.1.98</u>		<p><u>DSN</u> List it on 8.1.98 for orders.</p> <p style="text-align: right;">HRRN R(A)</p>
		<p><u>9-1-98</u> Heard Mr. Sastri for Mr. B. Sudhakar Reddy for Applicant and Mr. D.F. Paul for Respondents. List it for orders on 4-2-98.</p> <p style="text-align: right;">HRRN R(A)</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1262 OF 1997.

P. Saranya

(Applicants(s))

VERSUS.

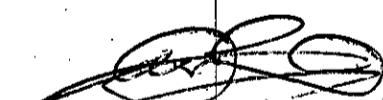
~~Union of India, Respondent.~~

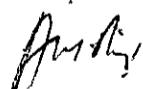
Chief Post Officer, Secy,  
Secyad & 2 others

(Respondent(s)).

The application has been submitted to the Tribunal by  
Shri B Sudhakar Reddy Advocate/~~party~~  
~~person~~ Under Section 19 of the Administrative Tribunal  
Act, 1985 and the same has been scrutinised with reference  
to the points mentioned in the check list in the light of  
the provisions in the administrative Tribunal (procedure)  
Rules 1987.

The application is in order and may be listed for  
Admission on -----

  
Scrutiny 1st  
3/9/97

  
DEPUTY REGISTRAR(JUDL)

-- 2 --

11. Have legible copies of the annexure duly attested *✓*
12. Has the applicant exhausted all available remedies. *✓*
13. Has the Index of documents been filed and pagination done properly. *✓*
14. Has the declaration as is required by item No. 7 of the form. I been made. *✓*
15. Have required number of envelops (file size) bearing full addresses of the respondent's been filed. *✓*
16. (a) Whether the relief sought for, arise out of a single cause of action. *✓*
- (b) Whether any interim relief is prayed for, *✓*
17. (c) In case an MA for condonation of delay is filed, it supported by an affidavit of the applicant.
18. Whether this cause be heard by single Bench. *✓*
19. Any other points.
20. Result of the Scrutiny with initial of the scrutiny clerk.  
*✓*  
Scrutiny Assistant *23/5/52*

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

File No. 2739

Report in the Scrutiny of Application.

Presented by BS Reddy Date of Presentation. 29.8.87  
Applicant(s) P.S. Swamy  
Respondent(s) C.P., SCR, SC 4003  
Nature of grievance Date of Birth  
No. of Applicants 1 No. of Respondents 3

CLASSIFICATION

Subject Date 29.8.87 No. 2 Department Secy (No. 32)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓  
(b) Has the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a language other than English or Hindi been filed. ✓
6. Is the application on time, (See Section 21). ✓
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. ✓
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) ✓
9. Is the application accompanied IPC/DO, for Rs.50/- ✓
10. Has the impugned order's original, duly attested legible copy been filed. ✓

P.T.O.

CENTRAL ADMINISTRATIVE TRIBUNAL (YOUSUF BACHH BENCH) HYDERABAD

INDEX SHEET

O.A. NO. 1262 of 1997.

CASE TITLE P. Savay

VOLUME

re click Personnel officer, &c &c

Hyd & sur

SL. NO.	Description of documents	Page No.
1.	Original Application	1-4
2.	Material Papers	5-13
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies	3
6.	Covers	3

T. Re Obj statement filed by N.O.T.  
part in infialex

Regd to Quash the Progs. No. 23697 and direct the Respondents to alter the date of Birth of the applicant as 10.3.90 instead of 19.9.40 and allow him to retire on 10.3.2008.

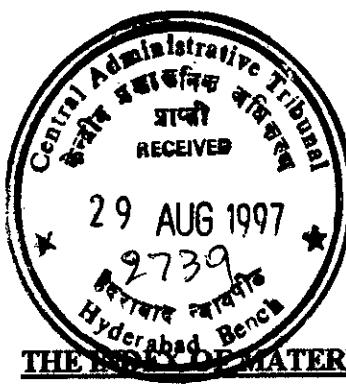
APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

O.A.No. 1262 of 1997

Between:  
P. Swamy

AND

The Chief Personnel Manager,  
South Central Railway,  
Secunderabad & others.  
Head Office  
Personal Branch,  
Secunderabad, Andhra Pradesh



② Date of Birth

Applicant

SC/RAILWAY

Respondents

Railway

(3)

(C)

Sl.No.	DESCRIPTION	PAGE NO.	ANNEXURE
1.	APPLICATION	1 - 5	
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3.	APPLICATION submitted for Post of GANGMAN dt:21-10-1968	7 - 8	- II -
4.	Lr.No.CP/232/Bills-V/Engg. Dt.20-1-94 Remarks	9	- III -
5.	Lr.No.CP/228/Bills/V/Engg dt.12-12-96 Clarification of Points.	10	- IV -
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7.	Lr.No.CP/232/Bills/V/Engg. Dt.22-1-97 Remarks	12	- VI -
8.	Representation	13	- VII -

P. Swamy  
Signature of the Applicant

For use in Office of Tribunal

Filing Date.

Signature for Registrar.

RD. NO. COM/01  
C. N. T.  
15/9/97  
P.S.

R. Kelly  
Counsel for the applicant

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD

O.A.No. 1262 of 1997

Between:  
P. Swamy Applicant

AND

The Chief Personnel Manager, Officer,  
South Central Railway, Head Office,  
Secunderabad & others, Personal Branch,  
Secunderabad, Head Office, Respondents

CHRONOLOGICAL EVENTS

Sl.No.	DATE	EVENT	PAGE NO.	ANNEXURE
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02.	23-2-90	THE APPLICANT'S HUSBAND DIED	2	—
03.	22-4-94	THE APPLICANT ISSUED LEGAL NOTICE TO THE RESPONDENT UNDER SEC.80 OF C.P.C.	2	—
04.	1994	O.P.28 OF 94 FILED IN THE P.D.M. WARANGAL FOR SUCCESSION CERTIFICATE	2	—
05.	3-7-1992	THE P.D.M. WARANGAL ISSUED A CERTIFICATE	2	—
06.	23-6-97	RESPONDENT ISSUED IMPUGNED LETTER NO.P/E/212/C1.IV/Vol.II	2	—
07.	23-6-97	RESPONDENT ISSUED IMPUGNED LETTER NO.P/E/212/C1.IV/Vol.II	6	-I-
08.	21-10-68	LETTER TO THE 2nd RESPONDENT	7 - 8	- II -
09.	20-01-94	Office of the D.R.M. (P) BG/SC.No CP/232/Bills V/Engg	9	- III -
10.	12-12-96	No.CP/228/Bills V/Engg	10	- IV -
11.	18-12-96	Applicants Letter to the 2nd Respondent	11	- V -
12.	22-1-97	No.CP/232/Bills V/Engg	12	- VI -
13.	09-05-97	Letter to the 1st Respondent	13	- VII -

Hyderabad.  
Dt: 28-08-97

  
Counsel for Applicant

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH  
AT HYDERABAD

O.A.No. 1262 of 1997

Between:

P.Swamy  
S/o.Narsimha, aged about 46 years  
Junior Engineer, II P.Way,  
Ramagundam, Secunderabad Division,  
Andhra Pradesh. .... Applicant

AND

1. The Chief Personnel Officer,  
Head Quarters Office, SCR, Railways,  
Personnel Branch, Secunderabad.
2. The Divisional Railway Manager (P) in  
South Central Railway, O/o.D.R.M.(P)/BG Divm.  
No.CP/232/Bills.V/Engg., Secunderabad.
3. The General Manager,  
South Central Railway, Railway Nilayam,  
Secunderabad. .... Respondents

APPLICATIONS FILED UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985

**DETAILS OF APPLICANT**

1. Particulars of Applicant : Same as stated above in the cause title.

a) Address for Service : M/S.B.SUDHAKAR REDDY  
B.NEERAJA SUDHAKAR REDDY  
V.SURENDRA REDDY &  
V.SURYA NARAYANA SASTRY  
Advocates,  
MIG-II, Block No.9, Flat No.9  
Baghingampally, Hyderabad-44

2. Particulars of Respondents : Same as stated above in the cause title.

3. Order against which the application is made:

Aggrieved by the order of the 3rd Respondent in No.P/E/212/C1.IV/Vol.11  
dt.23-6-97, rejecting the claim of the applicant for alteration of Recorded Date of Birth,  
this O.A. is filed challenging the same.

// 2 //

4. Jurisdiction :

The applicant submits that the subject matter is under the jurisdiction of this Hon'ble Tribunal as prescribed under Administrative Tribunal Act, 1985. *u/s 14 of Act 1985*

5. Limitation :

The applicant further submits that the present original application is well within the period of limitation as envisaged under Administrative Tribunal Act, 1985. *u/s 21 of Act 1985*

6. BRIEF FACTS OF THE CASE:

(i) The application submit that he was appointed as Gangman in the scale of Rs.70-85 on 19-11-1969 in pursuance of Application submitted (Vide Annexure-II) and has been working since then to the utmost satisfaction of his Superiors.

(ii) The applicant submit that in due course he applied for appointment by promotion for the post of P.W.M in the Railways in the year 1975. After submission his application he became aware that his date of birth is wrongly recorded as 19-9-1940 in the S.R. Book and other relevant Records. The S.R Book is always Retained in the custody of the Railways. The moment the applicant come to know about altered date of Birth he submitted representation on 23-6-1977 and 16-3-1983, requesting the authorities to alter and record correct Date of Birth i.e., 10-3-1950. The applicant came across a letter No.CP/232/Billes/V/ENGG (Vide Annexure - III) dated 20-1-1994 of the DIVISIONAL RAILWAY MANAGER (9) BG.SCR, wherein a Judgement of Supreme Court is Quoted and it is stated that the power for altering the Recorded Date of Birth is vested with Chief Personnel Officer, South Central Railway Secunderabad.

(iii) The DIVISIONAL RAILWAY MANAGER, South Central Railway Secunderabad has vide letter No.CP/228/Biles/v/Engg. Dated 12-12-1996 (vide Annexure No.IV) has requested the applicant to clarify 3 points. The applicant by his representation dated 18-12-1996 (Vide Annexure No.V) has also clarified the same and informed the authorities, that it was only during his submission of application for Higher Post, the applicant came to know about the above mistake regarding Date of Birth as he was informed by the Railway Authorities. After protracted representation, the Chief Personnel Officer, South Central Railway Sec-Bad. Issued impugned letter No.P/E/212/C1.IV/Vol.II date 23-6-1997, (Vide Annexure No. I) wherein the authorities have rejected the claim of the petitioner for

// 3. //

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alteration of recorded Date of Birth from 19-9-1940 to 10-3-1950. The impugned order is challenged on following grounds.

### GROUNDS

- a) The applicant's Original Application contains the correct Date of Birth i.e., 10-3-1950, at the time of his appointment to the post of Gangman in 1968.
- b) The respondents and the lower grade officials by mistake may have altered the Date of Birth for which the applicant is not responsible.
- c) The so called Railway Board instructions No.E(NG)/II/70/BR, dated 4-8-1972 are not applicable to the applicant herein, because the applicant came to know of the wrong recording of Date of Birth only after 1975, that too when he applied for Higher Post in the Railways.
- d) The applicant is seeking only alteration of recorded Date of Birth, and not change of Date of Birth.

The applicant submit that the impugned order No.P/E/212/C1.IV/Vol.II date of 23-6-1997 is bed in law and principles of natural justice and consequently direct the respondent to alter the wrong recorded Date of Birth. The Date of Birth is altered to 19-9-1940 only due to the mistake of Railway authority and the applicant is no were concerned.

Hence it is a duty of the Respondents to alter the Date of Birth and allow the applicant to retire on 10-3-2008.

#### 7. Details of Remedies Exhausted:

The applicant ~~has~~ no other alternative remedy except to approach this Hon'ble Tribunal.

#### 8. Matter is not previously filed/pending:

The applicant further declares that he had not previously filed any application, Writ Petition or suit regarding the matter in respect of which this application has been made,

/// 4 ///

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before any Court or any other authority or any other Bench or the Tribunal not any such application, Writ Petition or suit is pending before any of them.

**9. MAIN RELIEF:**

It is prayed that this Hon'ble Court may be pleased to quash the proceedings No.P/E/212/CH/IV/Vol.II Dt.27-6-1997 issued by the ~~General Manager (P)~~<sup>1st respondent</sup>, South Central Railway, Secunderabad as bad in law and against Principles of Natural Justice and consequently ~~deemed by Respondent to~~ allow the applicant to retire on 10-3-2008, after carrying out alteration of recorded date of Birth as 10-3-1950, instead of 19-9-1940 and pass such other order or orders deems fit and necessary in the circumstances of the case.

**10. INTERIM PRAYER:**

Pending final decision on the application, the applicant seeks for issuance of the following interim orders

(a) To alter the Date of Birth as 10-3-1950, instead of 19-9-1940 and pass such other order or orders as deems fit and proper in the circumstances of the case.

(b) To CONTINUE the applicant in the same Post on same terms and conditions and pass such other order or orders as deems fit and proper in the circumstances of the case.

**11. Particulars of Court Fee:**

i) I.P.O. No. 812 22721 & Date. 25/8/97

ii) Drawn on & payable at: 6.50/-

**12. List of Enclosures:**

- i) I.P.O.
- ii) Material paper, Covers, Acknowledgements.

**VERIFICATION**

P.Swamy S/o.Narsimha, aged about 46 years,Junior Engineer, II P.Way, Ramagundam, Secunderabad Division, Andhra Pradesh do hereby verify and state that the facts stated above are true to our personal knowledge and that I have suppressed any material facts.

COUNSEL FOR THE APPLICANT

Hyderabad:

Dt: 30-07-97.

P. Swamy  
SIGNATURE OF THE APPLICANT

## DECLARATION

1. The applicant hereby declares that he is not a part to OA/R.P/W.P. pending before this Tribunal or disposed of by this Tribunal/Erstwhile Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy is/ has been raised.

The applicant is not aware that he is a part to any OA/R.P. pending before this Tribunal or that any OA/R.P/W.P. has been disposed of by this Tribunal/Erstwhile. Tribunal/High Court of Andhra Pradesh, in which the same issue or similar controversy has been raised.

2. The applicant hereby further declares that persons likely to be effected are impleaded as Respondents in this application/not implead as respondents in this application for the following reasons.

COUNSEL FOR THE APPLICANT

D. Swamy  
APPLICANT

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## ANX-I

South Central Railway

Headquarters Office,  
Personnel Branch,  
Secunderabad.

No.P/E/212/Cl.IV/Vol.II

dt. 25.6.1997.

Sri P. Swamy-Narasimha, ✓  
JE-II/P.Way,  
Ramagundam/Secunderabad Div.  
B

( Thro' DRW/P/SC )

Sub:- Alteration of recorded date of birth

Ref:- Your representation dated -5-1997.

9 10 11

Reference your representation dated -5-1997 on the above subject.

Your request for alteration of recorded date of birth was not agreed to, since it was a belated claim for which you had submitted your representation dated 23-6-1977 in the Division/Units.

In terms of Railway Board's instructions (No. E(NG)/III/70/BR 1 dated 4-8-1972), the Railway employees in service on 3-12-1971 were allowed to represent their cases for alteration in the recorded date of birth latest by 31-7-1973. After 31-7-1973, no request for alteration in the recorded date of birth can be entertained if it has not been submitted before completion of the probation period or three years service whichever is earlier.

In view of the above instructions, there is no provision to consider your request for alteration of recorded date of birth.

Please note,

(P. Srinivasulu)

for Chief Personnel Officer.

24 JULY 1975

W. C. Clegg

(7) (13)

## ANNEXURE-II.

### FORM OF PARTICULARS FOR RECRUITMENT OF GANGMAN CLASS IV.

To  
The Divisional Engineer(Doubling)  
South Central Railway,  
Secunderabad Hyd.

Sub:- Application for the post of Gangman.

Ref:- Your circular No. STP/Misc/43/Recruits  
dated 16-9-1968.

1. Name in full(BLOCK LETTERS): SWAMY NARASIMHA.

2. Full Postal Address:

Swamy Narasimha  
Rly Gang Man. Ghatkesar

3. Father's name:

Narasimha.

4. Occupation of father:

Rly. Gangman.

5. Exact date of birth:

12-10-1980 (0.3.1980 (Tenth  
March Nineteen Eighty))

6. Religion \_\_\_\_\_ (Whether belonging

Harijans.

Caste \_\_\_\_\_ to scheduled caste/tribe):

Scheduled Caste: ..

7. Educational qualifications:

7th class passed.

8. Two personal identification marks:--

1. a mole on the arm

2. a mole on the <sup>side of</sup> left eye.

9. If related to any retired  
(Serving or deceased Railway  
employee, state relationship  
furnish adequate proof of  
relationship)

Son of Narayana  
Ramoudu  
Gangman G. No. 11.  
(serving)

10. If working as casual labourer in  
the Railway, the period of  
casual labour service specially  
indicating the broken period.

working as a casual labourer  
since three years.

11. Employment Exchange Registration  
No.(if any):

I enclose \_\_\_\_\_ attested copies of certificates  
in respect of items \_\_\_\_\_ above.

Enclosures:

1. Application Form \_\_\_\_\_

2. Photo \_\_\_\_\_

50  
58

19.11.40  
58

Swamy 9-11-98  
Signature of applicant.

U. March

1998

Alley

T-2

8

14

(i) Nationality of  
 (a) Father (b) ~~INDIAN~~  
 (b) Other (c) ~~INDIAN~~  
 (c) Husband / wife (d) ~~INDIAN~~  
 (d) Candidate  
 (e) Date of birth of husband / wife ~~1942-08-15~~

(a) Date of birth (b) 10-3-1950  
 (b) Present age (c) 20 years  
 (c) Age

(i) Place of birth (c) ~~INDIA~~  
 District and State in which situated.

(a) District and State to which you belong (b) ~~INDIA~~

(i) Your religion (a) Hindu

(a) Are you a member of a Scheduled Caste / Scheduled Tribe? (b) ~~SCHE~~  
 Answer 'Yes' or 'No' and if the answer is 'Yes' state the name thereof

Educational qualifications showing stages of education till schools and colleges since 15th year of age.

School/ Date of birth entering Date of leaving Examinations passed

1. ~~1950~~ 2. ~~1950~~ 3. ~~1950~~

4. ~~1950~~ 5. ~~1950~~ 6. ~~1950~~

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9

CB

## ANNEXURE - III

S.C.Rly  
Office of the DRM(P) BG/SC.  
No. CP/232/Bills V/Engg.

Date: 20.1.94. (CB)

CPO/SC

Sub: Alteration of recorded date of birth of Sri P. Swamy -  
Marasimha PWM/RGP.

Sri P. Swamy s/o Marasimha working as PWM in scale  
Rs. 1400-2300/RSRP has submitted a representation dt. 10.12.92  
received in this office on 1.7.93, requesting for alteration  
of recorded date of birth duly producing a original School  
leaving certificate issued by Head Master, Z.P. High School/  
Gatkesar on 22.6.65 for the reasons mentioned in his  
application.

The brief history of case is as under:

I. The above named employee was initially appointed as  
Gangman in scale Rs. 70-85 on 19.11.1969 and he was further  
progressed upto the post of PWM. ~~the date of birth~~ ~~scale~~  
~~the date of birth~~ ~~scale~~  
S.R. on 19.9.40.

As can be seen from the application along with attested  
copy of the School leaving certificate submitted at the time of  
recruitment as Gangmen, it has been mentioned by the employee  
as 10.3.1950 as his date of birth. In response to his appli-  
cation DEN/D/SC has offered the post of Khalasi duly enclosing  
a attestation form in which the employee has mentioned  
against the column of date of birth as 10.3.1950 indicating  
the age 20 years.

It is not understood how the date of birth of the  
employee was recorded as 19.9.40, it appears that the date  
of birth as 19.9.40 was recorded in the SR basing on the  
medical certificate issued by ADMO/SC which is available on  
the front page of SR. Incidentally, it is mentioned that  
the employee had submitted the representation on 23.6.77  
and 16.3.1983 requesting for alteration of recorded date  
of birth which is available in personal file at F.142 and 182  
and no action appears to have taken in the matter.

As can be seen from his SR which was attested by CPWI/SC  
on 20.1.69 his date of birth was recorded as 19.9.1940 and  
also the medical certificate which was posted on the front page  
of SR is indicated his age as 29 years as on 19.9.69.

In connection with the alteration of date of birth attes-  
tation is invited to the Judgement delivered by Jabalpur  
Court Branch in the case of Charles Wilson versus, Union of India  
and others under the case No. 80(R) 1987, (1) C/T/103/D dt.  
21.11.85. (Copy of the judgement enclosed) which was forwarded  
by Rly. Board under their I.R. No. E.N.G. 1.92 DR/12 dt. 4.1.93 where  
in under para 6, it is observed that there is no bar to  
correction of an entry which is inherently based on a claim.

Since the powers for alteration of recorded date of birth  
are vested with the Chief Personnel Officer, the case along  
with personal file and SR are forwarded for perusal and commu-  
nicating the final decision of the Competent Authority,

Yours,

Kelley

C.P. SRI N. V. A. S. (PSC)  
for Divl. Rly. Manager (P) SC.

(10) (16)  
ANNEXURE - IV  
South Central Railway

No. CP/228/Bills/V/Engg

Office of the  
DRM(P) BG/SC  
Dt 12-12-96

Sri P. Swamy-Narasimha,  
PW/Gr. III/RDM

(Through: AEN/RDM)

Subject: Alteration of date of birth in favour of Sri Swamy  
Narasimha, PW/III/RDM  
Ref: - Your representation dt 10-12-92

Reference your letter cited above, you are advised to clarify  
the following points

1. You have submitted an application for the post of Gangwan during the year 1968, affixing your signature as Swamy-Narasimha. After being appointed you have affixed your LTI on the leave applications and also on your pass applications. If you have passed VIII th class, why did you affix your LTI on the leave application/pass application.
2. In medical certificate No.53 dt 19-9-69, your age was recorded as 29 years and you have affixed your LTI having accepted the same. Please clarify as to how you have accepted your age as 29 years on 19-9-69.
3. In the application submitted by you for the post of PW on 20-11-75 you yourself have recorded your date of birth as 19-9-40 (xerox copy is enclosed). In the Service Register also your date of birth is recorded as 19-9-40 and you have affixed your LTI in the service register. In view of item 2 and 3 how you are now seeking alteration of date of birth as 10-3-50.

You are advised to clarify the above points to deal your case further.

for DRM(P) BG/SC

C/- AEN/RDM for information please.

for DRM(P) BG/SC

*Shreeya*  
T.C

(14)

(17)

From:

## ANNEXURE - V

Ramagundam  
Dated: 18-12-96P. Swamy,  
S/o. Nar simha,  
J E/P. way-II/Ramagundam.

To:

Divisional Railway Manager,  
Personnel Branch, (BG),  
S E C U N D F R A B A D.

Sir,

Sub:- Alteration of date of Birth in favour of  
P. Swamy, J E/P. way-II/RDM - Submitting the  
answer to the queries raised in the  
reference letter, - Reg.Ref:- DRM/P/BG/SG letter No. CP.228/Bills/V/ENGG  
dated 12-12-96.With reference to the above I humbly submit the following  
few lines for favour of consideration.

1. It is a normal practice in Engg. Department that Gangmen (CL IV) though literate affix LTI on every application like pass and leave etc. It is also practice that even on pay vouchers gangmen affix LTI instead of signature. This may kindly be got confirmed by referring to various PWAs/IOWs on Secunderabad Division. Due to this reason, I submit that I affixed LTI on every application after entering in the Service. It is evident from para 1 of the above with that letter I signed my application for the post of gangmen before entering service.

2. In regard to para No. 2 of your above letter, I submit that I do not remember at this distant date whether I have affixed LTI of Medical certificate accepting the age certified on it. I can only submit my feeling that my LTI would have been obtained on the medical certificate by the medical officer for the sake of identification but not as an endorsement of age certified on the medical certificate.

3. As regards the date of birth mentioned in the PWI application submitted by me on 20-11-95 I submit that my date of birth was already recorded in the SR as 19-9-40. As per the record of the SR I have mentioned my date of birth in the application of PWI as 19-9-40. I believed that if mention 10-3-1950 as my date of birth my application for PWI post was not been accepted basing on the SR recording and my application would have been rejected.

Further I submit that after being literate I have gone through my SR and came to know that my date of birth was wrongly recorded in the SR. To this effect I have submitted my representation on 23-6-97 and 16-3-98 enclosing the school leaving Certificate for alteration of recorded date of birth. My representations has been not considered so far.

... 2/



T-1

(12)

(18)

## ANNEXURE - VI

SOUTH CENTRAL RAILWAY.

Office of the  
DRM/P/BG/SC.  
Secunderabad.

No:CP/232/Bills/V/Engg.

Dt:22.1.1997.

TO:

30.1.1997

CPO/SC.

Sub: Alteration of recorded date of birth - Case  
of Sri P. Swamy - PWM/RGP, now working as  
PWI-III/RDM.

Ref: Your Lr.No:P/E/212/Cl. IV/Vol. II, dt:15.1.1997 of F-2

-000-

The following remarks are offered on the observations  
made in your letter cited above:

(a) A Welfare Inspector has been deputed to Head Master, Z.P. High School, Ghatkesar to verify the genuineness of the Transfer Certificate and the Head Master vide his Lr.No: , dt:29.11.1996 certified that Sri P. Swamy, S/o. Naresimha was a bonafied student of his school with admission No:321 and he that he studied VIII Class in 1965 and the Date of Birth of Sri P. Swamy is 10.3.1950 as per the School records. Copy of his report and H.M's letter dated 29.11.1996 are enclosed.

(b) The proposal for alteration of Date of Birth sent vide this Office letter of even number dt:7.1.97 has the approval of Sr.DPO/SC.

Remarks are furnished on para 2 of the letter dated 23-2-95 vide para 2 of this Office letter of 7.1.97. On the basis of the certificates of the HeadMaster, the request of the employee for alteration of Date of birth as 10.3.1950 appears to be genuine.

You are requested to examine the case and communicate the decision of the Competitive Authority. ~~SR&P~~ are sent herewith for perusal and return.

*✓*  
31/1  
(K.PONNU SWAMI)  
for DRM/SC.

30/1/97

S. D. P.

For signature of  
Approved by

*B. C. Kelly*  
T.C.

30.1.97  
A-20 (6)

(13) (19)  
ANNEXURE - VII

Remarks,  
Date : -05.97

1. S. S. K. Karmakar,  
1. Class Engineer II/P.W.D.  
1. Department,  
1. Directorate of Engineering.

1. S. S. K. Karmakar,  
1. Class Engineer II/P.W.D.  
1. Department,  
1. Directorate of Engineering.

(Through proper channel)

1. Sub: Alteration of recorded Date of Birth.

I had submitted a representation dated 10.12.92 for alteration of my recorded date of birth from 19.9.4 to 10.3.1950 duly enclosing the original school leaving certificate issued by Dhanbad High School, Dhanbad on 22.6.66. I am now given to understand that my request has not been agreed to by the competent authority assigning reasons and the same was advised to Office letter No. P/S/212/C1.IV/Vol.II dated 10.3.97.

Through D.M./SC requesting to D.M./SC to change the date of birth from 19.9.4 to 10.3.1950 duly by Head Master, given to understand that my request has not been agreed to by the competent authority D.M./SC vide your letter No. P/S/212/C1.IV/Vol.II dated 10.3.97.

I request you to kindly review the decision for the following reasons.

1. In my application seeking appointment I had clearly indicated my date of birth as 10.3.1950 duly enclosing attested certificate. Accordingly I was offered the post of D.M./SC by D.M./SC vide letter No. P/S/212/C1.IV/Vol.II dated 10.3.97.
2. I was appointed as Geographer in scale I.A.05 (AS) on 19.11.69. If my date of birth was to be taken as 19.9.1940, I would not have been offered the post as I was overaged (29 yrs).
3. It appears that my date of birth was recorded as 19.9.40 in my S.R. based on the Medical fitness certificate which was incorrect as I had enclosed my school certificate along with my application for which my date of birth was clearly indicated as 10.3.1950.
4. I had submitted a representation dated 23.6.1977 and 15.3.1983 requesting for alteration of recorded date of birth and no action appears to have been taken by the administration. The representations are not available in my personal file of folios 142 and 102.
5. On a reference from your office, Sr. DPO/SC had appointed a welfare Inspector of the D.M./SC School, Dhanbad and the Head Master of the said school after verifying the records he certified that I was a regular student with admission No. 321 and that I had studied VIII class in 1966 and that my date of birth as per school records is 10.3.1950.

In view of the foregoing reasons and also in view of the fact that the administration has failed to take any action on my representations dated 23.6.1977 and 15.3.1983 and my claim being genuine based on action taken by the D.M./SC School records, I request you to kindly review your earlier decision and accord sanction to change my date of birth from 19.9.1940 to 10.3.1950 in all the official records.

Waiting your anticipation.

Office of the AEN/ADM  
No. AEN/ADM/12/10/215/97

1. Recommended and forwarded to DPO/SC/Head (P. S. J. K. S.)

I am

faithfully,

W. K. S.

W. K. S.

*Shelley*

T.C

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL.  
HYDERABAD BENCH.

O. AREGD. NO. 2739/77

Date: 29/8/97

To

A. B S Reddy, Advocate

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

(1) OA is to be served on the ~~Dept/~~ Counsel.

(2) correct address of L2 to be given.

(3) book list of OA to be filed for court purpose.

(4) substance no. to be given in ~~para 6~~.

(5) date of PO to be corrected in ~~para 3~~.

(6) date & no. of PO to be corrected in ~~para 9~~.

(7) original papers are to be ~~stated~~ clearly.

(8) copies, gaz, index, chronology are to be signed.

(9) Prayer needs correction w.r.t. direction "to be served".

D. DEPUTY REGISTRAR (JUDL)

Resubmitted

1. Complied
2. Complied
3. Complied
4. Complied
5. Complied
6. Complied
7. Complied
8. Complied
9. Complied



V. S. Mehta  
15/9/97  
Counsel for the

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT HYDERABAD  
O.A. NO. 1262 of 1997.

BETWEEN:

P. SWAMY .. . . .

APPLICANT

AND

Divisional Railway Manager(P)  
South Central Railway,  
Secunderabad and others: ..

RESPONDENTS.

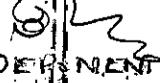
REPLY STATEMENT FILED ON BEHALF OF RESPONDENTS:

I, K. Ponnuswami S/O. Kolandaya Gounder aged 41 years  
occupation: Government Service, residing at Secunderabad  
do hereby solemnly affirm and state as follows:-

1. I am working as Sr. Divisional Personnel Officer  
Secunderabad Division, South Central Railway/Secunderabad  
and Respondent No.2 in this case and as such I am well  
acquainted with the facts of the case. I am filing this  
reply statement on behalf of all the Respondents as I  
have been authorised to do so. I have read the contents  
of the OA and I hereby deny the various material averments  
made therein, save those that are expressly admitted  
herein. The applicant is put to strict proof of all those  
averments that are not specifically admitted hereunder:-
2. The Respondents submit as under in reply to the  
various averments made at para 6 of the O.A.
  - (i) The applicant was appointed as Gangman on-scale  
Rs. 70-85 with effect from 19-11-1969.
  - (ii) The applicant had, vide his letters dated 23.6.77  
and 16.3.83 requested for correcting his date of birth  
from 19.9.40 to 10.3.50.
  - (iii) The date of birth as recorded in the Service Register  
of the Applicant is based on the certification made by  
the Assistant Medical Officer/South Central Railway/  
Secunderabad vide certificate No. 53 dated 19.9.69,

..2..

  
ATTESTOR

  
DEPARTMENT  
Sr. Divisional Personnel Officer  
S. C. Railway, S.C.

wherein the applicant was certified to be 29 years old as on 19.9.69, and accordingly the date of birth was recorded as 19.9.40, and in acceptance of which the applicant had affixed his LTI on the Medical Certificate and in the Service Register. Hence, the averment made by the applicant that the date of birth is wrongly entered, is not tenable.

(iv) Certain clarification were sought from the applicant vide letter No. CP/228/Bills/V/Engg. dt. 12.12.96, which was replied by the applicant on 18.12.96. The contention of the applicant that the staff in the Engineering department usually affix their LTIs is not tenable. Being a literate, the applicant is expected to read and then only affix his LTI or signature to any official document. Further, in his application, submitted by the applicant for the post of PWM and forwarded to this office on 20.11.75 by the Permanent Way Inspector/Ghatkesar, the applicant had himself entered his date of birth as 19.9.1940, and signed it, duly authenticating the entry regarding his date of birth. Hence, the applicant is estopped from making a plea for alteration in his date of birth at this distant date.

3. The Respondents further submit as under in reply to the various grounds urged in the O.A.

GROUND:

- a) The applicant's original application dated 21.10.68 for appointment as Gangman shows his date of birth as 12.10.48, which was later altered to 10.3.50 without any attestation by any official.
- b) There had been no mistake by the Respondents or lower level officials at any point of time. This date of birth entered in the Service Register is based on the biological age of the applicant, as assessed by the authorised Medical Officer vide M.C. NO. 53 dated 19.9.69 issued by the Assistant Medical Officer/South Central Railway/Secunderabad.

...3...

*(Signature)*  
ATTESTOR

कर्मचारी अधिकारी, भौतिकी इ.परी मिक्रोग्राम  
Asst. Personnel Officer, S.C.Rly SC

*(Signature)*  
DEPONENT

Gr. Divisional Engineer  
S. C. Railway, SC

Returned

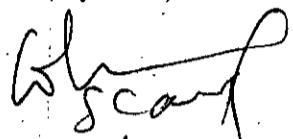
copy needs to be  
served on the  
applicants Counsel

In the central Administration  
Tribunal, Hyderabad  
OA no 1262 of 97.

  
15/12/97

Represented

copy of reply served on the  
other side & copy of act

  
31/12/97

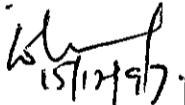


Reply Statement filed on  
behalf of Respondent

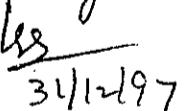
Filed by: D. Francis Paul  
SC for Rly.

① Name of appearance filed.

② Appellants Advocate (Mr. Sastri) has  
been informed on phone today and  
he agreed to take the copy of Reply  
from the Registry today.

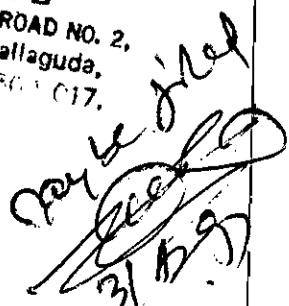
  
31/12/97

Received. Gy

  
31/12/97

Address:

D. FRANCIS PAUL, B.A.B.L.I.B.T.  
Law Officer, S. C. Rly. (Retd.)  
ADVOCATE  
H. NO. 12-5-188/4/2/1, ROAD NO. 2,  
Vijaypuri, South Lallaguda,  
HYDERABAD - 500 017.

  
31/12/97

23

c) The Railway Board's instructions contained in their letter No.E/NG/II/70/BR dated 4.8.72 equally apply in this case also. These instructions had been given wide publicity. Under these instructions, the Railway employees who were in service as on 3-12-71 were allowed to represent their cases for alteration in the recorded date of birth latest by 31-7-73, with the condition that no second opportunity would be given after 31-7-73. As the applicant had not applied for alteration of recorded date of birth before 31-7-73, his request for change of date of birth has not been agreed to by the Competent Authority.

d) The application tantamounts to seeking change of date of birth only, which is not tenable at this distant date. Therefore his request for change of date of birth has not been agreed to by the competent authority.

For the reasons stated above, it is submitted that the OA is untenable and is devoid of any merit.

It is therefore prayed that the Hon'ble Tribunal be pleased to dismiss the OA with costs.

  
DEPONENT.

Sworn and signed on this  
the 12<sup>th</sup> day of December, 97  
at Secunderabad before me.

वारिष्ठ प्रौद्योगिकीय अधिकारी  
रमेश मिश्र, IAS  
Sr. Divisional Personnel Officer  
S. C. Railway, SC.

  
Attestor.

सचिवक कार्यालयीय परे सिक्कांड  
Asst. Personnel Officer, S. C. Rly. SC

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1262/97

Date of Order: 18.2.98

BETWEEN:

P. Swamy

.. Applicant.

AND

1. The Chief Personnel Officer,  
S.C.Railway, Rail Nilayam,  
Secunderabad.

2. The Divisional Railway Manager (P),  
S.C.Railway, BG Division,  
Secunderabad.

3. The General Manager,  
S.C.Railway, Railway Nilayam,  
Secunderabad.

-- Respondents.

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Counsel for the Applicant .. Mr.B.Sudhakara Reddy

Counsel for the Respondents .. Mr.D.F.Paul

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CORAM:

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr.Sastry for Mr.B.Sudhakara Reddy, learned counsel for the applicant and Mr.D.Francis Paul, learned counsel for the respondents.

2. The applicant joined as Gangman on 19.11.69. He was later promoted as Permanent Way Mistry in the year 1988. He is continuing in that capacity now. He filed a representation on 18.12.96 for altering the date of birth from 19.9.40 to 10.3.59. His case was recommended by the DRM by the letter No.CP/232/Bills/V/Engg, dated 30.1.97 (A -6) for correction of date of birth as requested by him. He also submitted

D

another representation in May 1997 to R-1 for the correction of date of birth. However his case was rejected by R-1 by impugned order No. P/E/212/C1.IV/Vol.II, dated 23.6.97 (A-1).

3. This OA is filed to set aside the impugned letter dated 23.6.97 issued by R-1 as bad in law and against principles of natural justice and for a consequential direction to the respondents to allow the applicant to retire him on 10.3.2008 after carrying out alteration of recorded date of birth as 10.3.50 instead of 19.9.40.

4. The applicant relies on Annexure-2 document i.e. "Form of Particulars for Recruitment of Gangman Class IV" to state that his date of birth is recorded as 10.3.50 by the PWI Inspector and hence his submission that his date of birth is to be treated as 10.3.50 is in order.

5. In order to verify the above submission we have called for the service record of the applicant. The Annexure-2 document submitted by him is an application from the applicant for recruitment to the post of Gangman in Class IV category and that letter has been signed by him in English as Swamy Narasimha though he states that his date of birth is recorded as 10.3.50 in that Annexure. To that <sup>document</sup> it is stated that he could not produce any document or a school leaving certificate to state that his date of birth is 10.3.50 at the time of his actual appointment. Hence he was subjected to a medical test and on the basis of that medical test dated 19.9.69 his age was decided as 29 years by the medical authority. The applicant accepted the same by putting his thumb impression on that certificate. That age has been correctly recorded translating <sup>that age in the medical certificate</sup> it as 19.9.40 and it is recorded by the PWI Inspector in the service register of the applicant. If the applicant had

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studied up to VIII class there should be no difficulty for him to produce his date of birth at that time either by producing transfer certificate or other relevant document at the time of his joining. He has accepted his age as 29 years and proof of that he has put in thumb impression on the medical certificate dated 19.9.69 issued by the Assistant Medical Officer, S.C.Railway, Secunderabad. It is also looks strange to me that the applicant had signed in his application for recruitment as Gangman in English, whereas in the medical certificate he has put his thumb impression. That itself leads to a doubt whether the qualification he possessed is genuine or not. The Annexure-2 document produced by him is an application submitted by him and hence the date of birth as given in that application cannot be treated as a correct one as it is possible that the applicant for reasons best known to him could have indicated the date of birth advantageous to him. It is also seen when the applicant put in his application for the post of PNM in the grade of Rs.330-480 in 1975 he has given his date of birth as 19.9.40 and that application has been signed by him in English. That application was forwarded duly recommending his case by the Permanent Way Inspector, Chatkesar. When the applicant himself has stated his date of birth as 19.9.40 in the year 1975 he cannot now ask for change of date of birth as September 1950 in 1996.

6. It is stated that in 1973 a notification was issued by the Railway Board asking all the employees to submit their representation if they request for change of date of birth with documentary evidence before 31.7.73. But the applicant did not submit any application. Even in 1975 he has accepted his date of birth as 19.9.40 when he submitted his application while applying for the post of PNM.

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7. When such a documentary evidences are available on record to show that his date of birth as 1940 the applicant cannot object to the entry of the date of birth as 1940 by filing an application in 1996, i.e. at the fag end of his service. The Apex Court clearly directs that the change of date of birth at the fag end of service should not be accepted unless there is extraordinary evidence available for correction of the date of birth. In the present case I find that there is no proof for accepting the request of the applicant except his <sup>initial</sup> application wherein his date of birth is recorded as 10.3.50. His application at the time of joining service is not a real proof to come to the conclusion that the applicant has a case for correction of his date of birth. The official documents right from the date of his joining service <sup>show</sup> ~~are shown~~ his date of birth as 19.9.40 and that has been accepted by him number of times. Under these circumstances I find no reason to allow this application for correction of the date of birth.

8. In that the application is liable to be dismissed as having no merits. Accordingly it is dismissed. No costs.

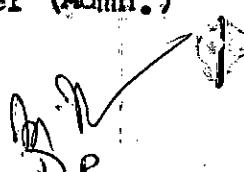
(The service records produced by the respondents were perused and returned back)



( R.RANGARAJAN )  
Member (Admn.)

Dated : 18th February, 1998

(Dictated in Open Court)

  
DR

sd

Copy to:

1. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, (P), South Central Railway, BG Division, Secunderabad.
3. The General Manager, South Central Railway, Railnilayam, Secunderabad.
4. One copy to Mr.B.Sudhakara Reddy, Advocate, CAT, Hyderabad.
5. One copy to Mr.D.F.Paul, CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

11/3/98  
7

TYPED BY  
COMPIRED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRITVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :  
M(J)

DATED: 18/2/98

ORDER/JUDGMENT

M.A./R.A/C.A. NO. .

in  
Q.A.NO. 1262/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

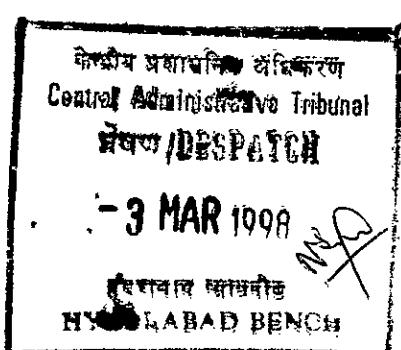
DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR



High Court File No. 54/98

ENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

WRIT PETITION NO. 10438 of 1998

Petition was filed in the High Court of Andhra Pradesh by Sri P. Swamy Against The Chief Personnel Officer, S.C.Rly. Sec-bd & Ors. Department against the Order/Judgment of this Hon'ble Tribunal dated 18-2-98 and made in D.A.No. 1262/97. The High Court was pleased to dismiss/Allow/ ~~Stay the operation of Judgment~~ the petition/ on 20-4-98.

The Judgment of the Tribunal in D.A.No. 1262/97 and the letter/order of the High Court of Andhra Pradesh enclosed herewith for perusal:

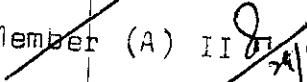
Submitted.

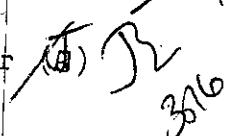
Deputy Registrar (J) 

Registrar

Hon'ble Vice Chairman

Hon'ble Member (A) I 

Hon'ble Member (A) II 

Hon'ble Member (A) III 

IN THE HIGH COURT OF JUDICATURE ANDHRA PRADESH AT HYDERABAD  
(SPECIAL ORIGINAL JURISDICTION)

MONDAY THE TWENTIETH DAY OF APRIL  
ONE THOUSAND NINE HUNDRED AND NINETY EIGHT  
PRESENT

THE HON'BLE MR. JUSTICE: D. REDDEPPA REDDI

AND

THE HON'BLE MR. JUSTICE: K.B. SIDDAPPA

WRIT PETITION NO. 10438 of 1998

Between:

P. Swamy

..Petitioner

and

1. The Chief Personnel Officer,  
South Central Railway, Secunderabad.

2. The Divisional Railway Manager (P)  
South Central Railway, Secunderabad

3. The General Manager, South Central Railway,  
Railnlayam, Secunderabad

4. The Central Administrative Tribunal Hyderabad  
Bench at Hyderabad, rep. by its Vice Chairman

..Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction mostly one which is in the nature of a writ of Mandamus declaring the inaction of the respondents 1-3 in correction of the date of birth of the petitioner in the service register as 10-3-1950 from 19-9-1940 and the refusal to make such correction as per proceedings No. p/v/212/C1. IV/Vol. II. dt. 26-6-1997 of the 1st respondent and the order, dt. 18.2.1998 in O.A.No. 1262/97 of the 4th respondent as illegal, irregular, arbitrary, unjustified, unwarranted unconstitutional, unreasonable and unsustainable and set aside the same holding that the petitioner is entitled to continue in service taking into account his date of birth as 10-3-1990 and direct the respondents to continue the petitioner in service treating his date of birth as 10-3-1950 after carrying out necessary corrections in the service register.

For the petitioner: Mr. P. Veera Reddy, Advocate

For the Respondents: Mr. K. Siva Reddy, Addl. SC for C. G

THE COURT AT THE STAGE OF ADMISSION MADE THE FOLLOWING ORDER:-

(Per the Hon'ble Sri Justice D. Reddeppa Reddi)

This writ petition is directed against the order of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, dismissing the petitioner's application for correction of the date of birth as 10-3-1950 instead of 19-9-1940.

..contd.

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17/6/98

केन्द्रीय प्रशासनिक अधिकारण Central Administrative Tribunal हैदराबाद अधाराइट HYDERABAD BENCH
117 JUN 1998
RECEIVED प्राप्त/RECEIVED 17/6/98

Carly  
12.5

The petitioner was initially appointed as a Gangman with effect from 19-11-1969. At that time, his date of birth was registered as 19-9-1940 in his Service Registrar on the basis of the Medical Certificate issued by the concerned Medical Officer. Thereafter he seems to have made a representation seeking alteration of his date of birth only on 23-6-1997. However, his request for alteration of recorded date of birth ~~only on 23-6-1997~~ was rejected by the Chief Personnel Officer of the South Central Railway, the 1st respondent herein, by his proceedings dt. 3-6-1997 on the ground that it was belated in terms of Railway Board's instructions No.E(NG)/II/70 DT.1 dt. 4-8-1972.

Sri P. Veera Reddy, the learned counsel for the petitioner strenuously contends that the petitioner made a representation on 6-3-1970 i.e. before the stipulated date prescribed under circular dt. 4-8-72. But no acceptable material has been placed either before the Tribunal or before us. In such view of the matter, we do not find any error in the impugned order. Therefore, this writ petition must fail. It is, accordingly, dismissed. No costs.

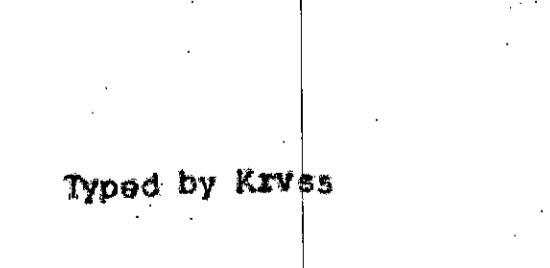
sd/- K. Satyakumari,  
Asst. Registrar,

//True Copy//

  
Section Officer.

To

1. The Chief Personnel Officer, S.C. Railway, Secunderabad.
2. The Divisional Railway Manager (P) S.C. Railway, Secunderabad
3. The General Manager, South Central Railway, Rail Nilyam, Secibad
4. The Vice Chairman, Central Administrative Tribunal, Hyderabad Branch at Hyderabad
5. 2 CD copies
6. One cc to Mr. P. Veera Reddy, Advocate /opuc/

  
Typed by K. Satyakumari

compared by