

26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

M.A.NO.993/97 in O.A.NO.1347/97

Between:

Dt. of Order: 31.10.97.

Shaik Ibrahim

...Applicant.

And

1. The General Manager, South Central Railway,
 Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway,
 Secunderabad.
3. The Divisional Railway Manager, South Central Railway.
4. The Senior Personnel Officer, Hyd. Division, Secunderabad.

...Respondents.

Counsel for the Applicant : Mr.Bajarang Singh Thakur

Counsel for the Respondents : Mr.C.V.Malla Reddy

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr.Bajarang Singh Thakur for the applicant. None for the respondents. M.A. is allowed for reasons stated in the application. O.A.1347/97 is restored to the file. M.A is disposed of. NO costs.



DEPUTY REGISTRAR(J)

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Hyderabad Division, Secunderabad.
4. The Senior Divisional Personnel Officer, South Central Railway, Hyderabad Division, ~~Hyderabad~~ Secunderabad.
5. One copy to Mr. Bajrang Singh Thakur, Advocate, CAT, Hyderabad.
6. One copy to Mr. C. V. Malla Reddy, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, ~~HYDERABAD~~.
8. One duplicate copy.

YLKR

⑧ 2 drafts
01/11/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 31/10/97

ORDER/JUDGMENT

M.A/R.A/C.A. NO. 983/97

in

D.A. NO. 1347/97

Admitted and Interim Directions
Issued.

Allowed

RA

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

HYDERABAD/BENCH

10 NOV 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

29

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD.

O.A. No. 1347 of 1997.

Date of Order - 31st October, 1997.

Between :

S.K. Ibrahim, aged about 56 years,
Son of Late Sri Hussain,
Retired Maistry in South
Central Railway,
R/o H.No.8-3-169/940,
Boorabanda, Hyderabad.

... Applicant

And

1. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The Divisional Railway Manager,
South Central Railway,
Hyderabad Division,
Secunderabad.
4. The Senior Divisional Personnel Officer,
S.C. Railway, Hyderabad Division,
Secunderabad.

... Respondents

Counsel for the applicant - Mr. Bajrang Singh Thakur

Counsel for the respondents - Mr. C.V. Malla Reddy S.C.

Coram :

Honourable Mr. R. Rangarajan, Member (Admn.)

Honourable Mr. B.S.Jai Parameshwar, Member (Judl.)

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ORDER (ORAL)

(Per Hon. Mr. R. Rangarajan, Member (Administrative))

1. Heard Mr. Bajrang Singh Thakur for the applicant. None for the respondents.
2. The applicant in this O.A. who is an illiterate joined as Khalasi during the year 1963 in Group 'D' post and his date of birth at the time of joining the post has been entered as September, 1938 and on that basis he is to retire on superannuation on the 30th September, 1996 and accordingly he was retired. The applicant submitted a representation dated 2.8.1996 for correction of his date of birth from September, 1938 to 1.5.1941. Subsequently, on 28.8.1996 he was represented his case through a recognised Railway Employees Sangh. But his representations were not disposed of and he was retired on superannuation on the 30th of September, 1996.
3. This O.A. is filed praying for a direction to the respondents to continue the applicant as Mason (Mastry) Group 'C' post in the office of the Inspector of Works, Chilkalguda, Secunderabad with all back wages and other service benefits by allowing him to continue in service till 30.4.2001. It is
4. It is not known why the applicant represented for change of his date of birth only in August, 1996 when he is to retire from service in September, 1996. It is a very belated application. In view of the Supreme Court judgment reported in (1997) 2 SCJ 287 (State of Orissa & Ors v. Shri Ramanath Patnaik) the Hon'ble Court has held as follows : " When entry was made in the service record and when he was in service, he did not make any attempt to have the service record corrected. Therefore, any amount of evidence produced subsequently would be of no avail."
5. In view of the above, any evidence that was produced

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subsequently by the applicant for correction of his date of birth is of no avail and it cannot be taken as appropriate records to consider his request.

5. The learned counsel for the applicant submits that the applicant is an illiterate employee and in view of the Railway Board's circular letter No. E(NG)/I/78/BR/12 dated 25.10.1978 (Annexure-VI to the OA), an illiterate employee can at any time submit a representation for change of his date of birth. Hence his case should not be rejected just because he submitted his representation for change of his date of birth a month earlier to his retirement.

6. It is seen from the O.A. that the applicant is a retired Mason (Mastry) in Group 'C' post. Hence the submission that the applicant is an illiterate is not acceptable in its face value, because, to become a Group 'C' employee, one should pass a trade test. The applicant as a Group 'C' employee should have passed the trade test. Hence this contention is rejected. Further in view of the Hon'ble Supreme Court judgment quoted above, the aforesaid Railway Board's circular letter is not applicable to the present case. Hence the O.A. is liable to be dismissed, and it is accordingly dismissed. No costs.

(B.S.JAI PARAMESHWAR)
MEMBER (JUDICIAL)

31.10.97

(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 31st October, 1997.
Dictated in the Open Court.

DJ/

DR. M
DR

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Hyderabad Division, Secunderabad.
4. The Senior Divisional Personnel Officer, South Central Railway, Hyderabad Division, ~~Hyderabad~~ Secunderabad.
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6. One copy to Mr. C. V. Malla Reddy, Addl. CGFC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, HYDERABAD.
8. One duplicate copy.

YLKR

2 drafts
MAG 93/94 27/11/92

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 31/10/92

ORDER/JUDGMENT

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

in

D.A. NO. 1342/82

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

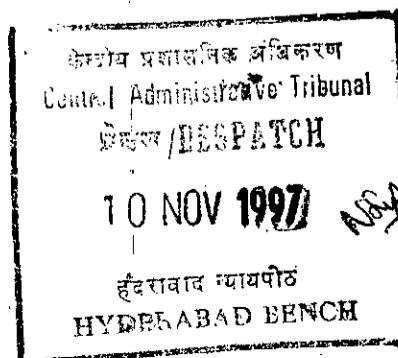
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYD-TRB/97

M.A.NO.993/97 in O.A.NO.1347/97

Between:

Dt. of Order: 31.10.97.

Shaik Ibrahim

...Applicant.

And

1. The General Manager, South Central Railway,
Railnilayam, Secunderabad.

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

3. The Divisional Railway Manager, South Central Railway,
Secunderabad.

4. The Senior Personnel Officer, Hyd. Division, Secunderabad.

...Respondents.

Counsel for the Applicant : Mr.Bajarang Singh Thakur

Counsel for the Respondents : Mr.C.V.Malla Reddy

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr.Bajarang Singh Thakur for the applicant. None for the respondents. M.A. is allowed for reasons stated in the application. O.A.1347/97 is restored to the file. M.A is disposed of. NO costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Sd/-x x x
DEPUTY REGISTRAR (J)

न्यायालय अधिकारी उप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रव. सनिक अधिकारी
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

Restorations etc.

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL, BENCH AT HYDERABAD

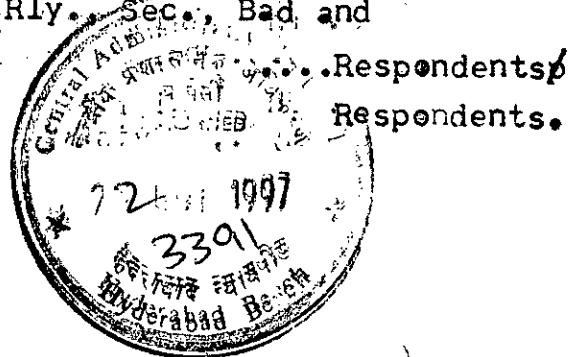
M.A.NO: : OF 1997

In

O.A.NO: 1347 : OF 1997

Between:

Shaik Ibrahim. ...Petitioner/
Applicant



Petition Under Sec. 18(1) of
Administrative Tribunal Act.

Filed on: 22-10-1997.

Filed By: The Petitioner /Applicant

Received
22-10-97
by C.V. Mallappa
S. C. T. P. A.

Sri. Bajrang Singh Thakur-
Counsel for the applicant.

24/10/97
24/10/97
24/10/97

24/10/97

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENCH AT HYDERABAD

M.A.NO: 993 : OF 1997

In

O.A.NO: 1347 : OF 1997

Between:

Shaik Ibrahim s/o Late sri. Hussain,
aged: 56 yrs., Retd., Maistry in S.C.
Rly, R/o H.No: 8-3-269/940, Beerbanda,
Hyderabad.Petitioner/
Applicant.

And

1. The General Manager, S.C.Rly., Rail
Nilayam, Secunderabad.
2. The Chief Personnel Officer,
S.C.Rly., Secunderabad.
3. The Divisional Railways Manager,
S.C.Rly., Hyderabad Division, Sec., Bad.
4. The Senior Personnel Officer,
Hyd., Division, Secunderabad.

...Respondents/
Respondents.

Petition Under Section 16(1) of
Administrative Tribunal Act, 1985.

For the reasons stated in the accompanying affidavit
the petitioner prays that this Hon'ble Court may be pleased
to pass an order restoring the O.A., by setting aside the
expXXX order of dismissal for default dt: 16-10-1997 in the
interests of justice.

Hyderabad.

Dt: 20-10-1997.



Counsel for the petitioner.

xxxx-100000000000
Central Administrative Tribunal

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BENCH AT HYDERABAD

M.A.NO: 993 : OF 1997

In

O.A.NO: 1347 : OF 1997

Between:

Shaik Ibrahim.Petitioner/
Applicant

And

G.M. S.C. Rly., Secunderabad
& others.Respondents/
Respondents.

AFFIDAVIT ON BEHALF OF THE PETITIONER

I, Bajrang Singh Thakur s/o T. Hari Singh, aged about: 34 yrs., Advocate, Hyderabad; do hereby solemnly affirm and states on oath as under:

1. I am the counsel for the petitioner/applicant as such I am well acquainted with the facts.
2. I had filed the above O.A. on 31-7-1997 and due to certain objections the O.A., was returned and after complying the same I have resubmitted in the month of August, 1997, and it was pending numbered,. Further I am practicing at High Court and not getting the Tribunal list as such I requested one of my friend to inform me about the ~~date~~fact of listing the O.A., whenever it comes in the list. My advocate friend was out of station on 16-¹⁰-1997 as such he could not inform me about the posting of the O.A., on 16-¹⁰-1997 before the 2nd Hon'ble court. It seems the matter was passed over in the morning and again called in the afternoon at about 3.00 P.M., as there was no representation on my behalf the O.A., was dismissed for default. This fact I came to know when I had been to the Hon'ble court about knowing of numbering and Posting of O.A., on 16-10-1997 at about 430P.M.,
3. In the above circumstances our non presence before this Hon'ble Tribunal when the matter is called is accidental but not intentional. Further there are fair chances to succeed in O.A., on merits.

It is therefore prayed that this Hon'ble court may be pleased to restore the O.A., by setting aside the order of dismissal dt: 16-10-1997 in the interests of justice.

Sworn and signed in my presence at Hyderabad on 20-10-1997.

 Deponent.

 Advocate/Hyderabad.

M.A. 993/97

in
O.A. 1347/97

पूछ/ORIGINAL

रेलवे/RAILWAY

बेच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 993 OF 1997.

IN

O.A. NO. 1347 OF 1997

3/10/87
 Heard Mr Bajrang
 Singh Thakur for the
 applicants. None for
 the respondents. M.R.
 B allowed for the
 reasons stated in the
 affidavit. O.A 1347/97
 is reserved to the file.
 M.R.B disposed of
 M.R.B.

HASJB
NL (J).JRRN
(P.A.)

Restoration Petition

27.10.1997.

27.10.1997

Mr. Bajrang Singh Thakur
 COUNSEL FOR THE APPLICANTS.

AND

Mr. C.V. Malla Reddy
 Sr. ADDL. STANDING COUNSEL FOR
 C.G. Rlys.