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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 374/95 : Date of order 13.9.95

Ganga Singh s/o Shri Nanda resident of House no. 893/13, Marryo Link Road, Opposite Dr. Auza's Bungalow, Nang Bai Ajmer last employed on the post of Sr. Chargeman T.No. 41890, Carriage & Wagon Shops, 28th Department, Western Railway, Ajmer.

... Applicant.

VERSUS

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay.
2. The General Manager, Western Railway, Churchgate, Bombay.
3. Deputy Chief Mechanical Engineer (Carriage) Ajmer Western Railway, Ajmer Dist. Ajmer.

... Respondents.

CORAM

Hon'ble Mr. Gopal Krishna, Vice Chairman.
Hon'ble Mr. O.P. Sharma, Member (Administrative)

For the Applicant ... Mr. S. Kumar
For the Respondents ... ~~Mr.~~ ***

ORDER

(PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN)

Applicant Gopal Singh in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed for the following reliefs:-

- "(i) That Rule 225(4)(iii) of Railway Establishment so far it provided "which should not be entertained after completion of probation period of three years whichever is earlier" may be declared unconstitutional and the same may be struck down.
- (ii) That the impugned order dated 13.7.94 (A-1) passed by the respondent no. 3 rejecting the representation of applicant may be declared illegal and the same may be quashed. Further the respondents may be directed to correct the date of birth of the applicant from 5.6.36' to 3.6.37 and allow him all consequential benefits on the basis of this correct date of birth i.e. 3.6.1937.
- (iii) Any other order/direction/relief may be passed in favour of applicant which may be deemed fit and proper under the facts and circumstances of this case.
- (iv) That the cost of this application may be awarded."

Cyber 2. We have heard the learned counsel for the applicant and

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have carefully perused the records.

3. The contention of the applicant is that he retired from the post of Senior Chargeman w.e.f. 30.6.94. The applicant made a representation on 10.5.94 for correction of his date of birth as 3.6.37 claiming that his date of birth was incorrectly recorded as 5.6.36. His claim is based on a T.C. Form (Annexure A-2) in which his date of birth is recorded as 3.6.37. However, in the transfer certificate issued by the Education Department, Government of Rajasthan, dated 2.5.94, his date of birth is recorded as 5.6.36. The challenge to the date of birth has been made at the fag end of the applicant's service career and the same having not been made within a reasonable time is not maintainable in view of the decision of the Hon'ble Supreme Court reported in JT 1993 (3) SC 711, Union of India Vs. Harnam Singh. The learned counsel for the applicant does not press the ground regarding the validity of Rule 225(4)(iii) of the Indian Railway Establishment Code Volume I, Edition V, 1985. There is no authoritative evidence justifying correction of the date of birth. This application is, therefore, dismissed at the stage of admission as being devoid of substance.

(O.P. SHARMA)
MEMBER (A)

G.Kirrae
(GOPAL KRISHNA)
VICE CHAIRMAN

AHQ.