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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 127 of 1997

10.12.1999

DATE OF DECISION.....

Shri Abinash Chandra Das,

PETITIONER(S)

Mr. Sukumar Sarma.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. B.K. Sharma

ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
& GUWAHATI BENCH

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHIRMAN.
O.A. No. of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the
judgment ?

PETITIONER(S)

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the
judgment ?

ADVOCATE FOR THE
RESPONDENT(S)

4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

THE HON'BLE C.A. No. of

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 127 of 1997

Date of decision : This the 10th day of December, 1999.

HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

Shri Abinash Chandra Das,
Son of Late Purna Chandra Das,
Qr. No. 300/A by Central Gotanagar,
Maligaon, Guwahati-781001.

.....Applicant.

By Advocate Mr. S. Sarma.

-versus-

1. Union of India,
represented by Secretary, Govt. of India,
Ministry of Railway, Rail Bhawan,
New Delhi.
2. Railway Board,
represented by the Director, Estt(REP) II,
Railway Bhawan, New Delhi.
3. General Manager (P), N.F.Railway,
Maligaon, Guwahati-781011.
4. The Chief PERsonal Officer,
N.F.Railway, Maligaon,
Guwahati-781 011.
5. The Dy. Chief Personal Officer,
N.F.Railway,
Maligaon,
Guwahati-781011.
6. The F.A. and Chief Accounts Officer,
N.F.Railway, Maligaon,
Guwahati-781011.

... Respondents

By Advocate Mr. B.K.Sharma, Railway Standing Counsel.

O R D E R

BARUAH J. (V.C.).

The applicant has approached this Tribunal for correction of his date of birth. At the time of entering into service he showed his date of birth 11.3.1935 as per Matriculation Certificate. But the said

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matriculation certificate was correctd by the University of Gauhati showing his date of birth as 1.3.1939.

Immediately after correction the applicant made a request to the authority for correction of his date of birth. As this was not done he submitted a representation in the year 1965 itself. The said representation was not disposed of. Ultimately Railway Board rejected the claim of the applicant. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement.

3. Heard Mr. S. Sarma, learned counsel appearing on behalf of the applicant and Mr. B.K.Sharma, learned Railway Standing Counsel.

4. The contention of the applicant is that his correct date of birth is 1.3.1939 and not 1.3.1935.

Mr. Sarma submits that as per the Railway rule he was entitled to get the benefit of correct date of birth. However, Mr. Sharma disputes that he is not entitled to get the said benefit. If the date of birth 1.3.1939 is accepted then he was under aged at the time of entry therefore he is not entitled to get the benefit of both sides. Mr. B.K. Sharma further submits that the representation was not submitted in the year 1965. To counter this submission Mr. Sarma submits that similarly situated persons had been given such benefits but denied the same to the applicant.

5. On hearing the counsel for the parites it is felt that the matter requires further examination by the Railway authorities. Therefore the application is disposed of with direction to the respondents to con-



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sider the case of the applicant following the relevant rules as well as the decision of the Apex Court. The authority shall also consider the fact whether persons similarly situated have been given the benefit of subsequent correction of the date of birth. This must be done as early as possible at any rate within a period of four months from the date of receipt of this order by passing a reasoned order and shall communicate the same to the applicant.

6. With the above direction the application is disposed of.

7. Considering the facts and circumstances of the case, I, however, make no order as to costs.



(D. N. BARUAH)
VICE-CHAIRMAN

trd