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4
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Eshwari
01/11/17

FORM NO. 4
 (SEE RULE 42)
 CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

ORDER SHEET

Original Application No. 14105

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicants: Nabajan Ali

Respondents: M.C. Sarma

Advocates for the Applicant: Adil Ahmed

Advocates of the Respondents: Qasim

Notes of the Registry Date Order of the Tribunal

24.1.2005

Heard Mr. A. Ahmed, learned counsel for the applicant and also Dr. M.C. Sarma, learned counsel for the respondents.

The application is admitted, call for the records. Issue notice to the parties, returnable within four weeks.

Respondents to file written statement on the interim prayer within four weeks without fail.

List on 23.2.2005 for orders.

Steps taken on
2/2/05.

Qasim

Notice of order
sent to D/section
for issuing to
resp. Nos. 1 & 2
by regd. A/D post.

Class
8/2/05.

mb

23.02.2005

None present from the respondents side. List it after 10 days for orders. Accordingly, the matter is listed on 4.3.2005.

I.C. Debnath
Member (A)

K. Debnath
Member (A)

✓ 22-2-05
 ✓ S/R - authed.
 ✓ No. 0015 for hearing
 ✓ ab

bbb

04.03.2005 present : The Hon'ble Mr. K. V. Prahладан, Member (A).

Four weeks time is given to the respondents to file written statement. List on 01.04.2005 for orders.

K V Prahладан
Member (A)
RAILWAY BOARD

11.4.05

W/S submitted by the respondents.

SA

01.04.2005 Present : The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman.

Mr. A. Ahmed, learned counsel for the applicant is not present. Dr. M.C. Sharma, learned counsel for the Railways submits that the written statement is being filed today.

Post on 27.4.2005 for hearing.

G. Sivarajan
Vice-Chairman

10.5.05

W/S has been filed.

SA

27.4.2005 At the request of Mr. A. Ahmed, learned counsel for the applicant the case is adjourned. List on 11.5.2005 for hearing.

G. Sivarajan
Vice-Chairman

mb

11.5.2005

Mr. A. Ahmed, learned counsel for the applicant submits that records are necessary in this case. Dr. M.C. Sharma, learned Standing counsel for the Railways submits that he will obtain the relevant records mainly the Service Book and place the same before this Tribunal at the time of hearing.

Post on 15.6.2005.

G. Sivarajan
Vice-Chairman

W/S has been filed.

SA
24.6.05

bb

15.6.2005 At the request of counsel for the applicant the case is adjourned to 27.6.2005 before the Division Bench.

G. Sivarajan
Vice-Chairman

27.6.05 Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No costs.

hans

1/7/05
pls. S. Commed.

20.7.05

1 pg

QV *8*
Chairman

~~(S. Commed.)~~
Copy of the Judgment
has been sent to
The Office of the
Chairman to the
applicant by Post.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

O.A. No. 14 of 2005.

DATE OF DECISION: 27-06-2005.

Shri Nabahar Ali

APPLICANT(S)

Mr A. Ahmed

**ADVOCATE FOR THE
APPLICANT(S)**

VERSUS -

U.O.I. & Ors.

RESPONDENT(S)

Dr. M.C.Sarma

**ADVOCATE FOR THE
RESPONDENT(S)**

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

1. Whether Reporters of local papers may be allowed to see the judgments?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

10

JPB
Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 14 of 2005.

Date of Order : This the 27th Day of June, 2005.

THE HON'BLE MR JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

Shri Nabahar Ali
Senior Trackmen,
Office of the Senior Section
Engineer/(P.Way)/Jagirod,
District. Morigaon, Assam.

... Applicant

By Advocate Mr A. Ahmed.

- Versus -

1. The General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
2. The Divisional Railway Manager(P),
N.F.Railway, P.O. Lumding

... Respondents

By Dr M.C.Sarma, Railway counsel

ORDER (ORAL)

SIVARAJAN J.(V.C)

The applicant, it is stated was initially engaged as a Casual Labour under the Permanent Way Inspector, Guwahati in N.F.Railway. At that time, it is stated, a service book is maintained where the date of birth of the applicant was shown as 16.1.55. Annexure-A is the extract of that service book. The applicant had also registered his name in the Employment Exchange under Department of Labour, Government of Assam and an identity card, Annexure-B has been issued to him on 3.9.1979. In that card also the date of birth is shown as 16.1.55.

2. The applicant was later appointed as a 'Trackman' in the N.F.Railways on 17.6.78, it is stated. According to the applicant he is entitled to continue in service with the Railways upto 60 years of age

9/1

and that since his date of birth is 16.1.55 he can continue in service till 16.1.2015 on which date he attains the age of 60 years.

3. The grievance of the applicant is that he was retired from service on 15.1.2005 at the age of 50 years. He made a representation (Annexure-E). The applicant has filed this O.A seeking to quash the order of retirement of the applicant from service on 31.1.2005 issued by the respondents.

4. The respondents have filed written statement, wherein it is stated that as per service book records of the applicant his date of birth is 16.1.45 and that he attained the age of 60 years on 31.1.2005 (the excess of 15 days is allowed as per rule). Extract of the service book is also produced as Annexure-A to the written statement. It is further stated that the service book of the applicant, which was opened at the time of his appointment in the Railways as Trackman showed his date of birth as 16.1.45; this was duly endorsed by the applicant through his finger prints in the service book and was duly attested by Permanent Way Inspector, the senior subordinate and the Assistant Divisional Engineer. It is also stated that the Railway Medical Examination Certificate issued on 28.4.1979 (Annexure-B) by Maligaon Central Hospital showed his age as 34 years 2 months and 18 days on 28.4.79 and as per this the date of birth of the applicant would be 10.2.1945 (a marginal difference of less than a month and not about 10 years as claimed by the applicant). It is also stated that since the applicant being an illiterate person his date of birth was recorded as contemplated under Rule 225 of the Indian Railway Establishment Code.

5. I have heard Mr A.Ahmed, learned counsel for the applicant and Dr. M.C.Sarma, learned Railway counsel for the respondents. The

9/21

applicant was also present in person. Since the applicant through his counsel has disputed the fact of thumb impression in his service book, the applicant was allowed to verify the same. The applicant accordingly verified the thumb impression found in the service book of the applicant placed before this Tribunal by the learned Railway counsel.

6. The applicant admittedly is an illiterate person. Rule 225 of the Indian Railway Establishment Code Vol.I (extract produced as Annexure-C to the written statement). Sub-rule 1 thereof reads thus :

"Every person, on entering railway service, shall declare his date of birth which shall not differ from any declaration expressed or implied for any public purpose before entering railway service. In the case of literate staff, the date of birth shall be entered in the record of service in the railway servant's own handwriting. In the case of illiterate staff, the declared date of birth shall be recorded by a senior railway servant and witnessed by another railway servant."

Sub-rule 2 thereof says that a person who is not able to declare his age should not be appointed to railway service. Sub-rule 4 of Rule 225 reads thus :

"The date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall ordinarily be permitted subsequently. It shall, however, be open to the President in the case of a Group a & B railway servant, and a General Manager in the case of a Group C & D railway servant to cause the date of birth to be altered.

- (i) where in his opinion it had been falsely stated by the railway servant to obtain an advantage otherwise inadmissible, provided that such alteration shall not result in the railway servant being retained in service longer than if the alteration had not been made, or
- (ii) where, in the case of illiterate staff, the General Manager is satisfied that a clerical error has occurred, or
- (iii) Where a satisfactory explanation (which should not be entertained after completion of the probation period, or three years

J.P.

service, whichever is earlier) of the circumstances in which the wrong date came to be entered is furnished by the railway servant concerned, together with the statement of any previous attempts made to have the record amended."

The service book of the applicant in the post of Trackman placed before the Bench would clearly show that the date of birth of the applicant was recorded strictly in accordance with Rule 225 extracted above. Sub-rule 4 quoted above shows that the date of birth as recorded in accordance with the above rules shall also be binding and no alteration of such date shall be permitted subsequently. It shall however be open to the President in the case of Group A & B railway servant, and a General Manager in the case of a Group C & D railway servant to cause the date of birth to be altered provided either of the three conditions mentioned above is satisfied. In the instant case the applicant's case would fall under (i) in which case if there is any mistake in the date of birth already declared, the applicant should have sought for correction of the said mistake within three years from the date of recording of the same in the service book. In the instant case the applicant has raised complaint against the alleged wrong entry in the service book only at the time of his retirement i.e. approximately about 25 years later.

6. As per the date of birth recorded in the service book the applicant is due to retire on 31.1.2005 and he was retired on that date. There is no illegality in the retirement order warranting interference by this Tribunal.

7. However, one fact remains i.e. the applicant was engaged as a casual labour. At that time the Permanent Way Inspector had maintained a service book (Annexure A to the OA) of the applicant which would show that the date of birth of the applicant is 16.1.55.



The identity card issued by the labour department also shows the said date. Medical Family identity card issued by the Senior Divisional Medical Officer, New Guwahati Polyclinic, N.F.Railway on 18.3.2004 shows the age of the applicant as 58 years. These records would show that there is some mistake somewhere. If as a matter of fact the applicant was only 50 years as alleged by the applicant at the time of his retirement which is evident from Annexure-A to 'C' to the application there will be certain hardship to the applicant. Though as per rules this is no ground for re-consideration, having regard to the fact that Annexure-A to the application was a service record maintained by an officer of the N.F.Railway, I am of the view that some consideration is required at the hands of the first respondent.

8. In the circumstances, if a proper representation is submitted by the applicant supported by some authenticated materials such as birth certificate issued from a local body, the first respondent shall consider the matter sympathetically, of course subject to the applicant establishes that his correct date of birth is 16.1.55 and will consider the matter and will pass appropriate order in accordance with law.

The application is disposed of as above. The applicant to file representation within one month from today. The first respondent to dispose of the same within a period of four months thereafter.

The applicant will produce a copy of this order alongwith the representation before the first respondent for redressal of his grievance.



(G. SIVARAJAN)
VICE CHAIRMAN

19 JAN 2001

संक्षिप्त नियमित नियमित

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. 14 OF 2005.

BETWEEN

Shri Nabahar Ali

...Applicant

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS:

Annexure-A is the photocopy of Service Book of the Casual Labour of the Applicant.

Annexure-B is the photocopy of Employment Exchange Registration Card issued by the Government of Assam, Department of Labour Dated 03-09-1979.

Annexure-C is the photocopy of letter No.H/219/1(A) Dt. 06-08-2001 by the Medical Director, Central Hospital, N.F.Railway, Maligaon.

Annexure-D is the photocopy of Railway Medical Identity Card of the Applicant.

Annexure-E is the photocopy of the Appeal filed by the Applicant before the Respondent No.2 for Wrong fixation of his date of retirement.

Annexure-F is the photocopy of statement showing the details particulars of staff to be retired on Supperanuation at the age of

L.T.I. of Nabahar Ali

60 years under Civil Engineering Department/Lumding Division during the year 2005.

Annexure-F1 type copy of statement showing the details particulars of staff to be retired on Supperanuation at the age of 60 years under Civil Engineering Department/Lumding Division during the year 2005.

This application is directed against the wrong fixation of the date of retirement of the Applicant as on 31-01-2005 by the Respondents and also the Applicant prays before this Hon'ble Tribunal to give direction to the Respondents to allow the Applicant to continue in his service till he attain the age of 60 years i.e on 16-01-2015 as per his Casual Labour Service record issued by the Respondents and also as per the Applicant's date of birth dated 16-01-1955 registered by the Assistant Employment Officer, District Employment Exchange, Guwahati, Government of Assam, Department of Labour Dated 03-09-1979.

RELIEF SOUGHT FOR:

That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the order of retirement of the Applicant from his service on 31-01-2005 issued by the Respondents.

That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the order of retirement of the Applicant from his service on 31-01-2005 issued by the Respondents.

To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

To pay the cost of the application.

INTERIM ORDER PRAYED FOR:

The Applicant most humbly prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal for stay of retirement order of the Applicant from his service on 31-01-2005 as mentioned in

L.T.I of Naba ha M.

the statement showing the details particulars of staff to be retired on superannuation at the age of 60 years under Civil Engineering Department/ Lumding Division during the year 2005 (Annexure-F & F1).

C.T.I. of Nabin Das

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT 1985)

ORIGINAL APPLICATION NO. OF 2005.

BETWEEN

Shri Nabahar Ali
Senior Trackmen,
Office of the Senior Section
Engineer/(P.Way)/Jagirod,
District-Morigaon, Assam.

...Applicant

-AND-

- 1) The General Manager (P),
N.F.Railway, Maligaon, Guwahati-
781011.
- 2) The Divisional Railway Manager (P),
N.F.Railway, P.O.-Lumding.

...Respondents

1) DETAILS OF THE APPLICATION PARTICULARS OF THE
ORDER AGAINST WHICH THE APPLICATION IS MADE:

This application is directed against the wrong fixation of the date of retirement of the Applicant as on 31-01-2005 by the Respondents and also the Applicant prays before this Hon'ble Tribunal to give direction to the Respondents to allow the Applicant to continue in his service till he attain the age of 60 years i.e on 16-01-2015 as per his Casual Labour Service record issued by the Respondents and also as per the Applicant's date of birth dated 16-01-1955 registered by the Assistant Employment

V.T. of Nabahar Ali

14
F. 2005
Shri Nabahar Ali
Senior Trackmen
Office of the Senior Section
Engineer/(P.Way)/Jagirod
District-Morigaon, Assam
...Applicant

Officer, District Employment Exchange, Guwahati, Government of Assam, Department of Labour Dated 03-09-1979.

2) JURISDICTION OF THE TRIBUNAL:

The Applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3) LIMITATION:

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India. He is now aged about 50 years.

4.2) That your Applicant begs to state that he has worked as Causal Labour under the Respondents since 16-1-1976 to 16-06-1978 and after that he was appointed as permanent employee of the N.F.Railway on 17-06-1978. Now he is working as Senior Trackmen under the Office of the Senior Section Engineer(P.Way), P.O.-Jagirod, District-Morigaon, Assam. It may be stated that he is an illiterate person and at the time of appointment his date of birth was registered as 16-01-1955 in his Service Book for Casual Labour Card issued by the Respondents. As per his Service Book of Casual Labour Card his age was 21 years on 16-01-1976 i.e. the date of his initial appointment as Casual Labour under the Respondents. Accordingly his age would be 60 (Sixty) years on 31-01-2015. The Employment Exchange Identity Card of the Applicant, which was issued by the Assistant Employment Officer, District Employment Exchange, Guwahati, Government of Assam, Department of Labour on 03-09-1979, the Date of Birth of the Applicant is also registered as 16-1-1955.

L.T.I of Nabahar Ali

Annexure-A is the photocopy of Service Book of the Casual Labour of the Applicant.

Annexure-B is the photocopy of Employment Exchange Registration Card issued by the Government of Assam, Department of Labour Dated 03-09-1979.

4.3) That your Applicant begs to state that as per his Service Book Record issued by the Respondents, the Applicant will be retire on superannuation from his service on 31-01-2015 when he will be attaining the age of 60 (Sixty) years.

4.4) That your Applicant begs to state that, he has three daughters and one son. His youngest daughter Miss Jilima Begum now aged about 16 (Sixteen) years has been suffering from Rheumatic Heart Disease since 2001 and she was referred to GNRC Ltd. Dispur, Guwahati-6 vide No.H/219/1(A) Dt. 06-08-2001 by the Medical Director, Central Hospital, N.F.Railway, Maligaon. She was also treated outside of North Eastern Region.

Annexure-C is the photocopy of letter No.H/219/1(A) Dt. 06-08-2001 by the Medical Director, Central Hospital, N.F.Railway, Maligaon.

4.5) That your Applicant begs to state that the Respondents issued a Railway Medical Identity Card to the Applicant on 18-03-2004 in which your Applicant's age was wrongly quoted as 58 years instead of his original age 49 years. The Respondent No.2 has also issued a letter No.DRM (P) LMG's No.-20-E/6-B/Lem (F) Dt.17-04-04 by which Applicant was informed by the Respondent No.2 that the Applicant will be retired from his service on 31-01-2006. Your Applicant immediately filed an Appeal on 08-06-2004 through proper channel against the Wrong fixation of date of his retirement. But the Respondent No.2 has been silent in this matter nor he replied any to the Applicant on this matter. In spite of the best effort the Applicant could not place the letter dated 17-04-2004 issued by the Respondent No.2 before this Hon'ble Tribunal. The Hon'ble Tribunal may be pleased to call the record of the letter dated 17-04-2004 from the Respondent No.2.

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Annexure-D is the photocopy of Railway Medical Identity Card of the Applicant.

Annexure-E is the photocopy of the Appeal filed by the Applicant before the Respondent No.2 for Wrong fixation of his date of retirement.

4.6) That your Applicant begs to state that the Respondents has issued a statement showing the details particulars of staff to be retired on Supperanuation at the age of 60 years under Civil Engineering Department/Lumding Division during the year 2005. Most surprisingly the Applicant name was shown in Serial No.4 and his date of retirement was fixed as 31-01-2005. Moreover the date of Birth was shown as 16-01-1945, which is 10 (ten) years more than his actual date of birth as recorded in his Service Book for Casual Labour and also in his Employment Exchange Card.

Annexure-F is the photocopy of statement showing the details particulars of staff to be retired on Supperanuation at the age of 60 years under Civil Engineering Department/Lumding Division during the year 2005.

Annexure-F1 type copy of statement showing the details particulars of staff to be retired on Supperanuation at the age of 60 years under Civil Engineering Department/Lumding Division during the year 2005.

4.7) That your Applicant begs to state that the date of birth of the Applicant and his date of retirement were wrongly fixed by the Respondents. The Railway Medical Attendance Identity Card and the letter dated 17-04-2004 issued by the Respondent No.2 the age of your Applicant was shown as 58 years in the year 2004, but in the statement showing details of particulars of the Applicant during the year 2005 the Applicant's age was shown as 60 years in the month of January 2005. In fact the Applicant's age is 50 years in the year 2005 which was recorded in his Service Book for Casual Labour and also in his Employment Exchange Identity Card. As such finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking

L.T.I of Nabahan
K.C.

justice in this matter as he is going to be retired wrongly from his service on 31-01-2005.

4.8) That your Applicant begs to state that the Respondents have themselves registered the date of birth of the Applicant as 16-01-1955 and the Employment Exchange Card which was issued to the Applicant by the Assistant Employment Officer, Government of Assam, the date of birth of the Applicant was registered as 16-01-1955. As such action of the Respondents for fixing different date of birth of the Applicant is mala fide, illegal, arbitrary and also without jurisdiction.

4.9) That your Applicant begs to state that your Applicant will suffer from financial hardships due to arbitrary action of the Respondents.

4.10) That your Applicant submit that the Respondents have deliberately done serious injustice and put him into great mental trouble and financial hardship to his entire poor family including his children by issuing statement of his early retirement from service on 31-01-2005 i.e. at the age of 50 years and as such the impugned order is liable to be set aside and quashed.

4.11) That your Applicant submits that the Respondents are exercising their colourable exercise of power to accommodate their own interested person in place of your Applicant.

4.12) That your Applicant submits that the Respondents have violated the fundamental rights of the Applicant's granted under the Constitution of India.

4.13) That your Applicant submits that the Respondents also have violated the principle of natural justice.

4.14) That in the facts and circumstances stated above, it is a fit Case for this Hon'ble Tribunal to interfere with to protect the rights and interests of the Applicant and his poor family by passing an Appropriate Interim Order by staying the retirement of the Applicant from his service on 31-01-2005.



4.15) That this application is made bona fide to secure ends of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, *mala fide*, arbitrary and without jurisdiction. Hence the retirement order of the Applicant on 31.01.2005 may be set aside and quashed.

5.2) For that, the Respondents have themselves had issued the Service Book of Casual Labour to the Applicant by giving the date of birth of the Applicant as 16-01-1955. As such the Applicant should be retired on 31-01-2015 i.e. the age of 60 (Sixty) years. Hence the retirement order of the Applicant on 31.01.2005 may be set aside and quashed.

5.3) For that, due to unknown reasons the Respondents did not initiated any steps to the representation dated 08-06-2004 for wrong fixation of date of retirement filed by the Applicant. Hence the retirement order of the Applicant on 31.01.2005 may be set aside and quashed.

5.4) For that, the Respondents over looked the vital documents on records the Employment Exchange Card and also Service Record Book of Casual Labour of the Applicant regarding his date of birth. Hence the retirement order of the Applicant on 31.01.2005 may be set aside and quashed.

5.5) For that, the Respondents have violated the Article 14,16 & 21 of the Constitution of India. Hence the retirement order of the Applicant on 31.01.2005 may be set aside and quashed.

5.6) For that, the action of the respondents is arbitrary, *mala-fide* and discriminatory with an ill motive.

5.7) For that, in any view of the matter the action of the respondents are not sustainable in the eye of law as well as fact.

17.1 of Nabahar
Ali

The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quash the order of retirement of the Applicant from his service on 31-01-2005 issued by the Respondents.

8.2) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

L.T. of Nabahn Ali

8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

9.1) The Applicant most humbly prays before this Hon'ble Tribunal seeking an interim order by this Hon'ble Tribunal for stay of retirement order of the Applicant from his service on 31-01-2005 as mentioned in the statement showing the details particulars of staff to be retired on superannuation at the age of 60 years under Civil Engineering Department/ Lumber Division during the year 2005 (Annexure-F & F1).

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. :- 206 110440
 Date of Issue :- 3.1.2005
 Issued from :- Gwalior C. P.O.
 Payable at :- Gwalior

12) LIST OF ENCLOSURES:

As stated above.

Verification

L.T. of Nabuhan
Bri

VERIFICATION

I, Shri Nabahar Ali; Son of Late Nasir Ali, aged about 51 years, working as Senior Trackmen, Office of the Senior Section Engineer/(P.Way)/Jagirod, District-Morigaon, Assam do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.3, 4.7, 4.8, 4.9 - are true to my knowledge, those made in paragraph nos. 4.2, 4.4,

4.5, 4.6 — are being matter of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 19th day of January 2005
at Guwahati.



19.1.05
of Nabahar Ali

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पूर्वांतर सीमा रेलवे
NORTHEAST FRONTIER RAILWAY

अनियत मजदूर के स्वास्थ्य पर रोपाई
RECORD OF SERVICE AS CASUAL LABOUR

N.F.P.

AN-1/57
P.M. 1/47
Book No. 63
पू. सी. न०/N. F. RAILWAY
प्रायोगिक/नियमान
Office/Department. Engg.

प्रारंभिक नियुक्ति के समय दर्शाएँ

Service book for Casual Labour

पूरा नाम साक्षात्

1. Name in full. N. A. B. A. H. A. R. A. L. I.
(In Block letters).

2. Father's name. L. T. I. 2

3. Date of Birth. 16.1.55

प्रारंभ में अनियमित नौकरी पाने के समय आयु

4. Age at initial casual employment
Year... 21... मास/months... 8....

Re. 1.W DINITED with in. Note
No - 2.301/47, No - 15/01/47
परीक्षा द्वारा पहचान के लिए

5. Personal marks of
identification. (1) one cut mark on left
leg at 1" (2) one cut mark
in left leg at 1/2"

प्रारंभिक नियुक्ति के समय दर्शाएँ
6. Nature of job on
initial employment. Construction.

जग्गे का नियान
L. T. I. 2

Nadeban. Ph.

Signature of the First Appointing Senior Supervisor.

[Signature]
J. L. Datta

Assam Schedule LXIII Form No. 1 X-10 (Revised)
(Revised vide letter No. PF 3378/55, dt. 6.12.78)

GOVERNMENT OF ASSAM
DEPARTMENT OF LABOUR
EMPLOYMENT EXCHANGE
CATEGORY: SC/ST/Ex-S/PI/H/PY.

IDENTITY CARD

(Not an Introduction Card for interview with Employer)

1. Name M. N. Bakher Ali
2. Date of Birth 16/11/53
3. Date of Registration 30/5/79
4. Registration No. 12172/79
5. Qualifications 9th Std
6. N. C. O. Code No. 777
7. Occupation Unemployed
8. Prominent Identification Mark

(Signature of
Applicant)

Assistant (Signature of
Officer)
Dist. Employment

Next Renewal Date in (Month and Year)	Dated Initials of the Renewal Clerk	Next Renewal Date in (Month and Year)	D.G. M.A.H.A.T. the Renewal Clerk
1/1/80			

AGP/-LXIII-F.1B-R. NO. - 01/70-79 - 002,000 - 27-12-78

Abdul
Abdul

15 -
N.F.Railway.

NO. H/219/1(A)

ANNEXURE-C

Office of the
Medical Director.
Central Hospital.
Maligaon.GHY-781 011.

Dt.06-08-2001.

To:

CMS/LMG.

N.F.RLY.

Sub:- Jilima Begum . Age 12 Yrs (Female).

D/O:- Nabahar Ali.

Design:-G/Man/Engg/JGD.

Ref:- CMD/MLG's approval L/No.

HM/184/1 Dt. 15-05-2001.

The above named was referred to GNRC Ltd/Dispur/
GHY-781 006 for Echo-Cardiography video above CMD's reference letter
Sri Ali has submitted a reimbursement bill which
is enclosed herewith for taking further action at your end.

68. 2001

MEDICAL DIRECTOR/CH/MLG.

Enclo:- As above.in Original.

Copy to:- 1) CMD/MLG.

2) Nabahar Ali. G.Man/ENGG/JGD.

MEDICAL DIRECTOR/CH/MLG.

After
JL
Done

No. 8066/NSC

23-4-06

1. Name in full and Designation

Nabahare Ali, S/o Tariq from
Age

2. Department

R.D.C. P.W.D. & J.I.D.

3. Residential address

Place of Work G/No. 9 at Tice
Officer, Clinic Sr. D.M.O./J.I.D.

5. Hospital unit for treatment

6. Signature / thumb

impression of the
railway employee.6. Signature & office
seal of the issuing
Authority

8. Date of Issue 18-03-06

12/15/227

1. Card No. 8066/NSC
DETAILS OF FAMILY OF
Shri Nabahare Ali

Name	Age	Relationship
1. Nabahare Ali	58y.	Husband
2. Iqan Nasra	43	Wife
3. Reginma Begum	19	Daughter
4. Hanima "	17	Sister
5. Jilima "	13	Sister
6. Amir Ali	9	Son
7.		
8.		
9.		
10.		
11.		
12.		

"Family" includes only wife or husband
children or step children and dependent,
as are covered under Pass rules.

ANNEXURE - D

Ali
Jl
Babur

To,

The DRM(P)/LMG
N.F.Railway.

Through - Proper channel .

Sub:- Wrong fixation of the date of retirement.

Ref:- DRM(P)LMG's No-20-E/6-B/Lem(F) Dt.17/4/04.

Sir,

With reference to above I am to state the following lines for your kind consideration and necessary action please.

Sir, as per above mentioned letter I am going to be retired from service on 31.1.06. But I am unfortunate enough as because I will be retired from service before my actual date and it is because of wrong entry of my date of birth in the service book. Sir I am a poor trackman & I have no such knowledge to understand what type entry is made in the Service book by the authority. As per my casual labour card my date of birth is 16.1.85 and accordingly I should be retired from service on 31.1.16. But suddenly, I had received your letter where it is mentioned that my date of retirement is 16.1.06. On enquiry I came to know that my date birth is quoted in the service book on 16.1.45. ^{Instead of 16.1.85} Sir I am extremely sorry to say that due to mistake of the authority I have to suffer the consequence of premature retirement and it will create a great disturbance not only to me but also among whole family.

As such I request you to enquire the matter and do justice to me. So that I may be saved from suffering of premature retirement. For this act of kindness I will remain evergrateful to you. Moreover, for your ready reference I am enclosing herewith the photo copy of CL/Card. .

After
Yours faithfully,

Sign -

Design - L-19 of Narkhedi
Date - 17/4/04

S-2
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S-4
S-5
S-6
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S-9
S-10

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S-20

18

Statement showing the details of service of staff to be retired on superannuation at the age of 20 years
under Civil Engineering Departmental Engineering Division during the year 2005

Sl. No.	Name	Designation & Ssn.	Father's name	P.I. No.	Date of Birth	Date of Joining	Date of Retirement	Re- marks	
								1	2
JANUARY 2005									
1	Prakash Ch. Das	Supervisor/ May SSER/WAY/EFU	Prakash Ch. Das	01738329	15.3.145	04.12.79	31.01.2005		
2	Debukarla Singh	Supervisor/ May SSER/WAY/EFU	J. Singh	040-4323	03.3.145	11.04.70	31.01.2005		
3	Govind Agarwal	Supervisor/ May SSER/WAY/EFU	Govind Agarwal	04260253	15.3.145	0.12.79	31.01.2005		
4	Neboher Ali	Supervisor/ May SSER/WAY/EFU	Neboher Ali	0475225	12.3.45	1.3.73	31.01.2005		
5	S. Mohan Ch. Das	Supervisor/ May SSER/WAY/EFU	Lokanath Das	01244818	31.3.45	29.5.63	31.01.2005		
6	S. Ch. Mohan Ch. Das	Supervisor/ May SSER/WAY/EFU	Ch. Mohan Ch. Das	04262450	12.01.45	15.7.73	31.01.2005		
7	Markanta Kekai	Supervisor/ May SSER/WAY/EFU	Shesh Ram Kekai	0426862	10.3.45	12.6.33	31.01.2005		
8	Aboti Lal Raybar	Supervisor/ May SSER/WAY/EFU	Chokhar Raybar	04016713	14.4.45	27.3.73	31.01.2005		
9	Sengesh Kumar Das	Supervisor/ May SSER/WAY/EFU	Ujjaini K. Ray	0173832	20.3.45	31.3.63	31.01.2005		
10	Kalipada Das	Supervisor/ May SSER/WAY/EFU	N.C.S.	0426522	01.3.45	6.1.83	31.01.2005		
11	Gopal Das	Supervisor/ May SSER/WAY/EFU	Nashir Hossen	05-03-05	15.3.45	01.1.82	31.01.2005		
12	R. Chidanath Das	Supervisor/ May SSER/WAY/EFU	Sona Ram Das	04224230	29.3.45	23.3.72	31.01.2005		
13	Mark Lal Das	Supervisor/ May SSER/WAY/EFU	L. Gopinda Das	013-3521	21.3.45	27.2.69	31.01.2005		
14	Parvendra Das	Supervisor/ May SSER/WAY/EFU	Pashindra Nosten Das	0406707	2.3.45	29.6.70	31.01.2005		
15	Parik Mukherjee	Supervisor/ May SSER/WAY/EFU	D. Bhattacharya	05-02-617	07.3.45	11.1.54	31.01.2005		
16	Rupendra Das	Supervisor/ May SSER/WAY/EFU	Lulu Ram Das	04129527	22.3.45	15.12.52	31.01.2005		
17	Kirantra Das	Supervisor/ May SSER/WAY/EFU	S. S. Das	04024412	07.2.45	25.10.73	31.01.2005		
18	Harendra Das	Supervisor/ May SSER/WAY/EFU	Lechda Das	0405337	03.3.45	13.3.70	31.01.2005		
19	Ekta Singh	Supervisor/ May SSER/WAY/EFU	Udit Singh	0161-540	02.1.45	13.1.53	31.01.2005		
20	S. K. Kumar Acharya	Supervisor/ May SSER/WAY/EFU	Kamlesh Das	013-4055	20.1.45	13.1.83	31.01.2005		
21	Ananta Mishra Das	Supervisor/ May SSER/WAY/EFU	B. P. Ray Das	0426929	02.1.45	13.3.73	31.01.2005		

Annexure - E

29
19
-Type Copy-

ANNEXURE- F

**Statement Showing the detail particulars of Staff to be retired on superannuation at the age of 60 years
under Civil Engineering Dept./Lumding Division during the year 2005.**

SN.	Name	Designation & Stn.	Father's Name	P.I.No.	Date of Birth	Date of Appt.	Date of Retirement	Remarks
1	2	3	4	5	6	7	8	9

JANUARY 2005

1.	Mukul Ch.Das	Supervisor/P.Way SSE/P.Way/DPU	Paramananda Das	01799629	15.01.45	14.12.79	31.01.2005
2.	Mukunda Singh	Sr.Trackmen SE/P.Way/NGC	J.Singh	04064923	09.01.45	11.04.70	31.01.2005
3.	Gopal Majumdar	S/Mason/Gr.I,SE/Works/N/LMG	Sachindra Majumdar	04060258	15.01.45	04.12.79	31.01.2005
4.	Nabahar Ali	Sr.Trackmen, SSE/P.Way/SID	Nawshed Ali	0475225	16.01.45	17.6.78	31.01.2005
5.	Sadhan Ch.Dey	Painter/Gr.I/Se/Works/Line/LMG	L/Mohan Ch.Dey	01824818	01.02.45	20.9.69	31.01.2005
6.	Sondhi Ram Hira	SWM,SE/Works/SID	L/Bhabang	04082450	10.01.45	15.12.78	31.01.2005
7.	Harakanta Kakati	Gang Mate,SE/P.Way/GHY	Bhaba Ram Kakati	04008698	10.01.45	14.06.68	31.01.2005
8.	Moti Lal Rajbhor	Sr.Trackmen,SE/P.Way/GHY	Chowker	04016713	14.01.45	27.02.73	31.01.2005
9.	Sontosh Kr.Roy	Sr.Trackmen, SE/P.Way/CPK	L/Jamini Kr.Roy	01739852	26.01.45	31.08.65	31.01.2005
.....
.....
21.	Ananta Mohan Das	Koyman, SSE/P.Way/H/LMG	Bipin Ram Das	04040909	03.1.45	12.3.76	31.01.2005

*A.H.W.
J.S. S.M.*

1 APR 2005

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

IN THE MATTER OF

O.A. 1922/2005 14/2005

Nabahar Ali

Applicant

Versus

General Manager (P),

N.F. Railway, Maligaon & Another

Respondents.

AND

IN THE MATTER OF

Written statement on behalf of the respondents

The answering respondents respectfully SHEWETH:

1. That the answering respondents have gone through the copy of the application filed and have understood the contents thereof. Save and except the statements which have been specifically admitted hereinbelow or those which are borne on records all other averments/allegations as made in the application are hereby emphatically denied and the applicant is put to the strictest proof thereof.

2. That for the sake of brevity meticulous denial of each and every allegation/statement made in the application has been avoided. However, the answering respondents have confined their replies to those points/allegations/averments of the applicant which are found relevant for enabling a proper decision on the matter.

3. That the application suffers from want of a valid cause of action as will be clear from the submissions made in the relevant paragraphs below.

4. That the application suffers from wrong representation and lack of understanding of the circumstances and facts relating to the matter as will be clear from the submissions made hereunder.

5. Parawise remarks:

5.1. That as regards paragraph 4.1 the answering respondents beg to state that as per his service Book records the applicant's date of birth is clearly 16.01.1945 and that he attained the age of 60 years on 31.01.2005 (the excess of 15 days is allowed as per rule).

A copy of the relevant page of the Service Book (Opening page) is annexed herewith and marked as ANNEXURE A.

.....P.2.....

Filed by
Wular
30/3/05
Dr. M.C. Saha
Adv. Advocate

29/3/05
S.

By Chief Personnel Officer P.M.
N.F. Railway, Maligaon
Guwahati-11

5.2. As regards paragraph 4.2 the answering respondent beg to state that the service book of the applicant, which was opened at the time of his appointment in the Railways, showed the date of birth as 16.1.45. This was duly endorsed by the applicant through his finger prints and was duly attested by the Permanent Way Inspector, the Senior Subordinate and the Assistant Divisional Engineer. Secondly, the Railway Medical examination certificate issued on 28.4.1979 by Maligaon Central Hospital showed his age as 34 years two months and 18 days on 28.4.79. According to this the date of birth of the applicant would be 10.2.1945 (a marginal difference of less than a month and NOT about 10 years as claimed by the applicant).

A copy of the certificate dated
28.4.79 is annexed herewith and marked
as ANNEXURE B

In this connection it is submitted that Rule 225 of the Indian Railway Establishment Code clearly lays down the guidelines on date of birth to be recorded in the service records of Railway employees. As regards the record of service as Casual labour (annexed as Annexure A of the O.A.) and the Employment Exchange identity card (annexed as Annexure B of the O.A.) the answering respondents beg to state that the authentic record for purpose of age of employees is the service book as laid down in Rule 225 of the Indian Railway Establishment Code and according to the service book of the applicant his authenticated date of birth is 16.1.1945.

A copy of the abstract of Rule 225 of
Indian Railway Establishment Code is
annexed herewith and marked as ANNEXURE C.

It is therefore submitted that the record of service as casual labour and the employment exchange Identity card are not acceptable for proving the age of the applicant. These particulars or records are not maintained in the service file of the employees as they are not authentic proof of age as per codal provisions.

5.3. As regards paragraph 4.3, the answering respondents beg to deny the claim of the applicant that as per his service book record he is due to retire on 31.01.2015. As intimated vide Annexure F of the O.A., the applicant retired from service on 31.01.2005 on attaining the age of 60 years as per date of birth recorded in the service book.

(3)

5.4. As regards paragraph 4.4 the answering respondents have no remarks to offer.

5.5. As regards paragraph 4.5 the answering respondents beg to state that in response to the undated letter addressed to the DRM(P), LMG, a reply was sent to the applicant vide letter No. E/71/3-LM(E)PtII dated 22.7.2004 refuting his claim. A copy of this letter was received by the Section Engineer (P.Way) on 23.7.2004, this official being the applicant's direct superior. It is therefore clear the the averment of the applicant that the respondent was silent about his representation is patently incorrect.

A copy of the reply dated 22.7.2004 is annexed herewith and marked as ANNEXURE D.

5.6 As regards paragraph 4.6, the answering respondents affirm that the list of staff retiring on 31.1.2005 was issued correctly on the basis of authentic records of dates of birth of staff in their Service Books. This list is circulated in advance to ensure that there is no delay in the final settlement of their pensionary dues on the date of retirement.

5.7. As regards paragraph 4.7, the answering respondents beg to state that the date of birth of the applicant was correctly fixed as 16.1.45 as per his service book. The claim of the applicant that his age was 50 years in 2005 is not sustainable as per records of service.

5.8. As regards the averment made in paragraph 4.8 the answering respondents beg to reiterate that the employment exchange identity card or the record of service as casual labour are not acceptable as authentic records for the purpose of ascertaining the date of birth. As stated above, the date of birth recorded in the service book is the authentic proof of date of birth of an employee. The answering respondents beg to emphatically deny that their action in determining the age of the applicant was in any way malafide, illegal, arbitrary or without jurisdiction.

5.9. As regards paragraphs 4.9 to 4.15 the answering respondents beg to deny the allegations of arbitrary action, colourable exercise of power, violation of fundamental rights and violation of the principles of natural justice and beg

(4)

to submit that the action of the respondents in retiring the applicant on 31.1.2005 was based on authentic and universally acceptable record of date of birth of the applicant and for no other consideration other than equity, fairness and justice.

It is therefore prayed that the application being shorn of any merit and it being based on wrong understanding of the rights of the applicant be dismissed with costs.

And for this act of kindness as in duty bound the answering respondents shall ever pray.

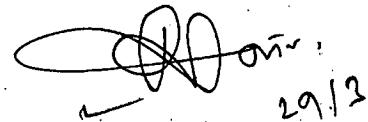
... P. 5....

(5)

VERIFICATION.

I, Shri R. AAIYU, son of S/o late S. Ramarao aged about 39 years and at present working as Dy. CPOF HQ, N.F.Railway, Maligaon do hereby verify and solemnly affirm that the statements made in paragraphs 1 to 5 are true to the best of knowledge and information derived from records which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 29th day of March, 2005.


29/3

Dy. Chief Personnel Officer/HQ
Signature: N.F. Railway, Maligaon
Guwahati-11

Designation.

Annexure B

312/R-142

५० ना० रेलवे/N. F. RAILWAY ५०-१०/८७०३/N. F. M. ३

468742 M (1971-72) Appendix III (Annexure A)

Appendix III (Annexure 6)

ଏଣ୍ କି ପ୍ରମାଣନ କି କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା

प्रसादे प्रसादे रस्ते आ रहे हैं जो जीवन का दृष्टि

a candidate is medically qualified for Service for purposes of
to a State-managed program.

१०८ जीर्णमहा
शस्यताल/Harvita

Maligcon 1191

विधान/Dispensary 11/11/1991

५७ उत्तरार्द्ध प्रायिक वर्षाः कृष्ण विना (वास).....

..... 3115/1990 R.....

13. 72. इन्हीं दो फैला विवरण, २-२-१८८१

मैं आपको अपनी विद्या से लौटा दिया गया हूँ, को आपकर ही है ।

we shall have a good time.

I hereby certify that I have examined (Name) 34-2-18-10

34-2-18 days (Name).
(Age).
..... a candidate for immediate em

(Designation) man (e.p.c.).....(class) 1st (one),
19-1-11

Branch/department whose _____ signature

~~I/Unit~~ for such purposes, ^{thumb impression} been suspended below in my presence. I consider the

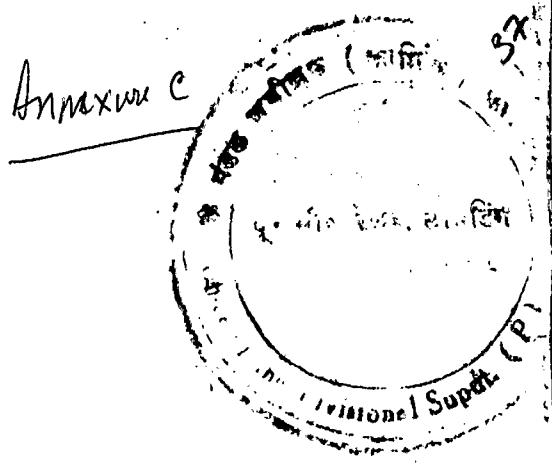
अंचकालीन रेलवे के प्रश्नपत्र
Question Paper of Railway Medical Examination

Director of Railway Medical Examiner
कृष्ण : १९८८ : लिटा
पद्मा : Dignation :-

A. D. M. I. O. N., General
Central Hospital, Maligaon.

हस्ताक्षर/गिरावं अंगठा
 Signature* of Candidate
 तारीख/Date: 21/4/21 Thumb impression
 *जो लाल न हो संकेत करें/Strike out where applicable

28/4/79



भारत सरकार
Government of India
परिवहन मंत्रालय
Ministry of Transport
रेल विभाग (रेलवे बोर्ड)
Department of Railways
(Railway Board)

भारतीय रेल स्थापन संहिता

जिल्द 1

पांचवां संस्करण—1985

Indian Railway Establishment Code

Volume 1

Fifth Edition—1985

should not be informed of the reasons which led the Board or Officer to recommend disqualification. This procedure should be carefully observed.

2. In cases, however, where a Medical Officer or a Medical Board considers that minor disability disqualifying a candidate for railway service can be cured by treatment (Medical or Surgical) a statement to that effect is recorded by the Medical Officer or the Medical Board, as the case may be. There is no objection to a candidate being informed of the Medical opinion to this effect by the Administration and when a cure has been effected it will be open to the Administration to ask for another medical examination.

223. First-aid.—The railway servants in categories which the General Manager may prescribe, will, in addition, be required to acquire an approved certificate of competency in First Aid. They will keep their knowledge in First Aid alive during the entire period of their service through refresher courses at intervals that may be prescribed from time to time.

224. Service Agreements.—Special Class Apprentices on Railways shall be required to execute a service agreement with the President at the time of his appointment as a Probationer in IRSME. Railway servants appointed for a limited period may also be required to execute an agreement. All agreements shall be stamped, the cost being borne by the railway servant concerned.

Note.—In the case of all railway servants the offers of appointment should stipulate inter alia that in all matters not specifically provided herein, or in the recruitment rules, they will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.

225. Date of birth.—(1) Every person, on entering railway service, shall declare his date of birth which shall not differ from any declaration expressed or implied for any public purpose before entering railway service. In the case of literate staff, the date of birth shall be entered in the record of service in the railway servant's own handwriting. In the case of illiterate staff, the declared date of birth shall be recorded by a senior railway servant and witnessed by another railway servant.

(2) A person who is not able to declare his age should not be appointed to railway service.

(3) (a) When a person entering service is unable to give his date of birth but gives his age, he should be assumed to have completed the stated age on the date of attestation, e.g. if a person enters service on 1st January, 1980 and if on that date his age was stated to be 18, his date of birth should be taken as 1st January, 1962.

(b) When the year or year and month of birth are known but not the exact date, the 1st July or 16th of that month, respectively, shall be treated as the date of birth.

10

(4) The date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall ordinarily be permitted subsequently. It shall, however, be open to the President in the case of a Group A & B railway servant, and a General Manager in the case of a Group C & D railway servant to cause the date of birth to be altered.

- (i) where in his opinion it had been falsely stated by the railway servant to obtain an advantage otherwise inadmissible, provided that such alteration shall not result in the railway servant being retained in service longer than if the alteration had not been made, or
- (ii) where, in the case of illiterate staff, the General Manager is satisfied that a clerical error has occurred, or
- (iii) Where a satisfactory explanation (which should not be entertained after completion of the probation period, or three years service, whichever is earlier) of the circumstances in which the wrong date came to be entered is furnished by the railway servant concerned, together with the statement of any previous attempts made to have the record amended,

Railway Ministry's decision.—(a) when a candidate declares his date of birth he should produce documentary evidence such as a Matriculation certificate or a Municipal birth certificate. If he is not able to produce such an evidence he should be asked to produce any other authenticated documentary evidence to the satisfaction of the appointing authority. Such authenticated documentary evidence could be the School Leaving Certificate, a Baptismal Certificate in original or some other reliable document. Horoscope should not be accepted as an evidence in support of the declaration of age.

(b) If he could not produce any authority in accordance with (a) above he should be asked to produce an affidavit in support of the declaration of age.

(c) In the case of Group D employees care should be taken to see that the date of birth as declared on entering regular Group D service is not different from any declaration expressed or implied, given earlier at the time of employment as a casual labourer or as a substitute.

226. Transfers.—Ordinarily, a railway servant shall be employed throughout his service on the railway or railway establishment to which he is posted on first appointment and shall have no claim as of right for transfer to another railway or another establishment. In the exigencies of service, however, it shall be open to the President to transfer the railway servant to any other department or railway or railway establishment including a project in or out of India. In regard to Group C and Group D railway servants, the power of the President under this rule in respect of transfer, within India, may be exercised by the General Manager or by a lower authority to whom the power may be re-delegated.

Railway Ministry's decision.—Requests from railway servants in Groups C & D for transfer from one to railway to another on grounds of special cases of hardships may be considered favourably by the railway administration. Such staff transferred at their request from one railway to another shall be placed below all existing confirmed and officiating staff in the relevant grade in the promotion group in the new establishment, irrespective of date of confirmation or length of officiating service of the transferred employees.

(Railway Ministry's letter No. E.55 SR/6/6/3 dt. 19th May, 1955.)

227. (a) A competent authority may transfer a railway servant from one post to another; provided that, except—

- (1) on account of inefficiency or misbehaviour, or

N. P. RLY.

NO. E/71/3-LM (CE) PT-II

SN/28 office of the
DRM(P)/LMG. 11-
Dtd-22/7/04.

ANNEXURE D.

To

Nabahar Ali
Sr. Trackman under SSE(P-W) JID
Thro :- SSE(P-way) JID.

Sub :- Correction of date of birth
Ref :- your application dtd - NIL -

With reference to the above,
this is to inform you that your
date of birth as recorded in medical
certificate as well as in your
Service Sheet is treated as final.

2/7

For DRM(P)/LMG

copy to :- SE(P-way) JID for information
Please.

2/7

For DRM(P)/LMG

of
22/07

22/07