

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01039/2018

Dated Friday the 3rd day of August Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

N.Munusamy,
Working as Canteen Cleaner,
O/o. Sr. D.E.E, Southern Railway,
Railway Canteen, Tambaram, Chennai 45 and
residing at No. 5, B-Block, Giriappa Road,
T.Nagar, Chennai 600017.Applicant

By Advocate M/s. C. K. Chandrasekkar

Vs

- 1.Union of India owning Southern Railways,
rep by its Divisional Railway Manager,
Southern Railway, Park Town, Chennai 3.
- 2.The Sr. Divisional Electrical Engineer, Rolling Stock,
Southern Railways, Tambaram, Chennai 45.
- 3.The Regional Director,
National Institute of Open Schooling,
Regional Centre, No. 5, 5th floor,
B Block, VUDA Complex,
Sripuram, Vishakapatnam 530003.Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"i. To set aside the order no. M/ET/RS/(P)S/140/VII/TBM/Vol.II dated 18.07.2018 issued by the second respondent Senior Divisional Electrical Engineer, Rolling Stock, Tambaram, rejecting the request dated 17.07.2018 of the applicant for extending time to get the educational certificate corrected on the basis of the Aadhar card and grant all attendant service benefits due to the applicant with due seniority and monetary benefits and

ii. Pass such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case, award costs and thus render justice."

2. Learned counsel for applicant submits that the applicant was born on 15.06.1973 and his date of birth was accordingly entered correctly in his School Certificate. After the death of his father on 05.06.2008, the applicant was granted appointment as a Trainee Canteen Cleaner on 06.08.2013. The applicant was required to complete the SSC examination within 5 years from the date of his appointment which he did and is accordingly eligible to be confirmed. However, the applicant's date of birth was incorrectly entered as 01.01.1977 in the certificate issued by National Institute of Open Schooling (NIOS) although the applicant's School Certificate, PAN card and employment card carried his date of birth as 15.06.1973.

3. As soon as the applicant came to know the error in his date of birth, he applied for a change of date of birth in the AADHAAR card

and the same had been corrected. However, his efforts to get the correction made in the certificate issued by the NIOS was not fruitful as it was rejected on the ground that such a change could be considered only within three years from the date of issue of the certificate.

4. The grievance of the applicant at this stage is that without inquiring into the matter properly, the authorities orally told the applicant not to report to duty from Monday ie., 06.08.2018. Accordingly, the applicant would be satisfied if his Annexure A12 representation dt. 17.07.2018 is directed to be considered in accordance with law for appropriate orders within a time limit to be set by the Tribunal and status quo maintained in the meantime.

5. Mr. P. Srinivasan takes notice for the respondents.

6. We have considered the matter. The applicant's Annexure A12 representation dt. 17.07.2018 has been duly acknowledged with the seal of the Divisional Railway Manager, Electrical Traction/Rolling Stock, Tambaram, Chennai. In the facts and circumstances of the case as submitted by the applicant, we are of the view that the matter needs to be inquired into by the competent authority before any precipitate action is taken. Accordingly, it is directed that the competent authority shall consider Annexure A12 representation of the applicant dt. 17.07.2018, conduct due inquiry into the circumstances under which a

different date of birth came to be entered in the records and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order. The services of the applicant shall not be terminated in the meantime.

7. OA is disposed of with the above direction at the admission stage.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

03.08.2018

SKSI