

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/306/2019

Date of Order: 01.11.2019

Between:

R. Mangababu,
S/o. R. Veeraswamy,
Aged about 57 years,
Working as Commissioner (Appeals),
Central Taxes & Customs,
Department of Revenue,
Guntur District, A.P.

... Applicant

And

1. Union of India,
Rep. by its Secretary,
Government of India,
Department of Revenue,
Ministry of Finance,
North Block, New Delhi.
2. The Chairman,
Central Board of Indirect Taxes & Customs (CBIC),
Ministry of Finance, Government of India,
North Block, New Delhi.
3. The Chief Commissioner of Central Taxes & Customs,
Basheerbagh, Hyderabad.

... Respondents

Counsel for the Applicant ... Mr. K. Sudhakar Reddy

Counsel for the Respondents ... Mr. Jose Kollanoor, Advocate for
Mr. T. Hanumantha Reddy,
Sr. PC for CG

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. OA has been filed seeking direction to the respondents to enter correct date of birth in the service book as 14.08.1963 instead of 15.03.1962 on the basis of an extract from the Register of Births.

3. Brief facts of the case are that the applicant joined as Probationer, Indian Customs & Central Excise Group “A” on 26.12.1988. He rose in the rank as Commissioner, Customs & Central Taxes, A.P. Initially, his date of birth was entered in the service records as 15.03.1962 on the basis of Secondary School Leaving Certificate. However, applicant could obtain Certificate of Birth dated 07.01.2012 (Annexure A-II) from the Registrar of Births & Deaths, Municipal Corporation, Guntur wherein his date of birth is certified as 14.08.1963. Applicant is requesting for recording correct date of birth based on the birth certificate issued by the Registrar of Births.

Applicant has cited the judgment of the Hon’ble Punjab & Haryana High Court in the case of Ambika Kaul vs. CBSE & others in LPA No. 1613 of 2014 (O&M) & LPA No. 373 of 2015, decided on 21.05.2015; and the judgments of the Hon’ble Supreme Court in Babloo Pasi Vs. State of Jharkhand, 2008 (13) SCC 133; Jabbar Singh v. Dinesh & Anr, (2010) 3 SCC 757, and Union of India v. C. Rama Swamy, (1997) 4 SCC 647 in support of his cause.

3. Heard both the counsel and perused the pleadings.

4. Notice to the respondents was ordered in the OA on 29.03.2019, but so far, reply statement has not been filed. Learned counsel for the applicant submitted that since the applicant is going to retire shortly, he may be allowed to make a representation to the respondents citing the latest judgments and instructions on the subject so that the respondents can take a fair view in the matter and dispose it accordingly. Learned counsel appearing for the respondents agreed for the same.

5. Hence, it would be appropriate and proper to direct the applicant to submit a comprehensive representation to the respondents by stating the relevant grounds based on law and rules to the respondent authorities, within a period of three weeks from the date of receipt of this order and on receipt of such representation, respondents are directed to dispose of the same, within a period of four weeks from the date of receipt of such representation by issuing a speaking and well reasoned order.

6. With the above directions, the OA is disposed of with no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 1st day of November, 2019
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