

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.39957 of 2017

Between:

Rasanand Sagar, S/o Ratan Sagar, aged 60 years,
Occ: Retd Tech-II, Senior Section Engineer,
Works, Ramagundam, South Central Railway,
Secunderabad.

... Petitioner

Vs.

The Union of India, represented by the General
Manager, South Central Railway, Secunderabad
And 3 others

.. Respondents

For Petitioner : Mr. S. Anuradha,

For Respondents : Mr. Ch. Lakshmi Kumaari,
Standing counsel for South Central
Railway

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.39957 of 2017

ORDER: (V. Ramasubramanian, J)

Aggrieved by the dismissal of his Original Application as well as the Review Application by the Central Administrative Tribunal, whereby his prayer for alteration of date of birth stood rejected, a retired Railway employee has come up with the above writ petition.

2. Heard Mrs. S. Anuradha, learned counsel for the petitioner.

3. The petitioner was appointed as a casual Gang man on 01-01-1977. At that time, his date of birth appears to have been entered as 01-07-1956.

4. In the year 1989, the petitioner made a representation on 17-11-1989 contending that his actual date of birth was 07-08-1957 and that the same stood established by the Transfer Certificate issued by the Head Master of the School where he studied as well as other documents.

5. However, the petitioner was issued with a reply by the Assistant Engineer on 29-11-1989 to the effect that his date of birth was recorded in the Service Register based on the authenticity of the records produced by him.

6. It is the case of the petitioner that thereafter when he was transferred from one Division to another, his date of birth was reflected as 07-08-1957 and an audit objection was raised in this regard. Thereafter, according to the petitioner, the date of birth was restored to 01-07-1956.

7. Therefore, the petitioner gave a representation on 13-02-2013, followed by an application in O.A.No.358 of 2014. The said application was disposed of on 07-04-2014 with a direction to the respondents to take a decision with regard to the date of birth.

8. Thereafter, an order of rejection was passed on 13-06-2014. Challenging the order of rejection, the petitioner filed another application in O.A.No.757 of 2014. The said application was dismissed by the Central Administrative Tribunal on 12-11-2015.

9. The petitioner then filed an application for review. But the review application was also dismissed on 22-03-2016. Therefore, challenging the order passed in the Original Application as well as in the Review Application, the petitioner has come up with the above writ petition.

10. As per the date of birth actually recorded in the Service Register of the petitioner, he has been superannuated on 30-06-2014. The grievance of the petitioner is that right from the date of his entry into service, he has been making repeated representations. According to the learned counsel for the petitioner, the Tribunal was wrong in holding that the petitioner made a representation for the first time in 1989, after 12 years of entry into service. According to the learned counsel, the petitioner made a representation within one and half year namely on 15-07-1979.

11. But unfortunately, this was not the pleading with which the petitioner went before the Tribunal. Even according to the learned counsel for the petitioner, he made a statement that he had taken up the matter from the date of his entry into service, but he could get a

copy of one representation given by him on 15-07-1979, only when he filed the review application.

12. We do not know why from 1979, the date on which the petitioner made the first representation, he kept quiet till 1989 to make another representation and till 2013 to come up with an Original Application. The Central Administrative Tribunal was established in 1985 itself. There is no explanation for the long delay on the part of the petitioner in approaching the Tribunal, even after its establishment in the year 1985.

13. As a matter of fact, the Tribunal had pointed out in paragraph 18 of its judgment, the discrepancies in the Service Register. Therefore, we are of the considered opinion that the Tribunal was right in dismissing the application and the review application. We see no reason to interfere with the order. Hence, the writ petition dismissed.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 27-11-2017

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