

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No. 785 of 2017

Mukhtar Ansari

..... Petitioner

Versus

1. Union of India through,
General Manager, East Central Railway, Hajipur.
2. Divisional Railway Manager,
East Central Railway, Dhanbad.
3. Sr. Divisional Personnel Officer,
East Central Railway, Dhanbad.

..... Respondents

CORAM : HON'BLE MR. JUSTICE H. C. MISHRA
: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Md. Ashrafuzzaman Khan, Advocate.
For the Union of India : Mr. Gautam Rakesh, Advocate.

06/ 10.06.2019 Heard learned counsel for the petitioner and learned counsel for the Union of India.

2. The petitioner is aggrieved by the impugned order dated 13.1.2017, passed by the Central Administrative Tribunal, Patna, Circuit Bench at Ranchi, in O.A. No. 051/00038/2016, whereby the claim of the petitioner for compassionate appointment in the East Central Railway, has been rejected by the Central Administrative Tribunal.

3. The petitioner is the son of a Railway employee, who died in harness on 28.1.2001, working as *Gangman* under the respondents. Thereafter, the application was submitted on 4.1.2002 for appointment of the applicant on compassionate ground, being the son of the deceased employee, which was ultimately rejected by the respondent authorities.

4. Aggrieved thereby, the petitioner moved the Central Administrative Tribunal, for the redressal of his grievance. From the petition filed by the petitioner and the written statement of the respondents, it transpired that there was discrepancy in the dates of birth of the petitioner mentioned in different documents, which, on the basis of the documents, varied from the year 1973 to 1980. In the Pass/P.T.O. declaration of the year 1995, the age of the applicant was shown as 20 years, according to which, the date of birth of the applicant was found to be in the year 1975, but as per his educational certificate, his date of birth is 8.6.1980. Similarly, on the basis of the ration card as well as voter list of the applicant, the date of birth of the applicant was found to be in the year 1973.

5. The applicant claimed that this discrepancy in the dates of birth had occurred due to the fact that the father of the applicant was an illiterate person, who had given different dates of birth of the petitioner in different documents,

and he relied upon the date of birth, as mentioned in the school certificate to be taken as genuine date of birth of the petitioner. The impugned order passed by the Central Administrative Tribunal shows that there was genuine suspicion about the date of birth as per the school records also, as according to that document, the applicant was the student of Class-X at the age of 12 years only, which was reasonably not possible, and the Central Administrative Tribunal, accordingly, rejected the claim of the petitioner, stating that there were discrepancies in the dates of birth of the petitioner on the basis of the documents, available on record.

6. Learned counsel for the petitioner has submitted that the impugned order passed by the Central Administrative Tribunal cannot be sustained in the eyes of law, and in all fairness, the Tribunal ought to have relied upon the date of birth, as given in the educational certificate. However, there is no cogent explanation by learned counsel, as to how even that document could be believed, which was suspected by the Tribunal, on reasonable grounds.

7. We do not find any illegality in the impugned order, passed by the Central Administrative Tribunal, which is a well speaking order.

8. There is no merit in this writ application and the same is, accordingly, dismissed.

(H. C. Mishra, J.)

(Deepak Roshan, J.)