

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/01035/2019

HYDERABAD, this the 28th day of November, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

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

Dr. P V RAMESH,
S/o Penumaka Subba Rao,
Aged about 59 years, Gr.A, IAS,
Occ: Chief Secretary,
Government of Andhra Pradesh,
R/o Secretariat Buildings,
Velagapudi, Amaravati,
Andhra Pradesh.

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Applicant



(By advocate: Mr. N.Ashwini Kumar)

Vs.

1. Union of India rep. by its Secretary, Dept. of Personnel, Public Grievances and Pensions, Dept. of Personnel and Training, North Block, Central Secretariat, New Delhi, Delhi 110 001,
2. Union Public Service Commission, Rep. by its Chairman, Dholpur House, Shahjahan Road, New Delhi 110 069,
3. The State of Andhra Pradesh, Rep. by its Chief Secretary, Secretariat Buildings, Velagapudi, Amaravati.

Respondents

(By advocates: Mrs. K Rajitha, Sr.CGSC &
Mr. M Bal Raj, SC for AP Govt.)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY,
CHAIRMAN

Applicant retired as Chief Secretary of Government of Andhra Pradesh on 31.07.2019. While in service, he made a representation stating that his actual date of birth is 10.10.1960 and it was wrongly entered in the record as 10.07.1959. He submitted representation dated 12.07.2019 with a request to alter his date of birth in the service record. Complaining that it was not acted upon, he filed OA 648/2019. An interim order was passed on 24.07.2019 directing respondents to dispose of the representation. In compliance with the same, respondents passed order dated 28.10.2019, refusing to accede to the request of applicant.



2. This OA was filed challenging order dated 28.10.2019.
3. Applicant contends that there is sufficient proof to establish that his date of birth is 10.07.1959 and that he has been making request since 1985 for alteration there of, but no steps have been taken thereon. He has also cited instances of Government altering the date of birth of Members of All India Service and others, but similar treatment was denied to him.
4. Heard Mr. N Ashwani Kumar, learned counsel for applicant, Mrs. K.Rajitha, learned senior standing counsel for respondents/Central Government and Mr. M. Bal Raj, learned standing counsel for Government of Andhra Pradesh.

5. The applicant is an IAS officer of 1985 batch. His date of birth was entered in the service record on the basis of the entry in the Secondary School Certificate (SSC). It is not in dispute that his date of birth as per SSC is 10.7.1959. Even where the date of birth mentioned in the SSC is found to be contrary to the actual date of birth of the concerned individual, first step to be taken in this behalf is, to initiate proceedings for correction of entry in SSC. It can be through representation to Board of Secondary Education or by instituting proceedings before the Court of Law. As long as the date of birth in the SSC remains, the question of changing the entry in the service record does not arise.



6. Another settled principle of law is that an employee or officer is required to take steps within a short time after entering into service for correction of date of birth. Time and again, Hon'ble Supreme Court and High Courts have declared that request for alteration of date of birth made at the fag end of service cannot be entertained.

7. Respondents have extensively referred to the judgment of Hon'ble Supreme Court in ***Union of India Vs. C.Rama Swamy and others AIR 1997 SC 2055*** delivered way back on 09.04.1997. Applicant is not able to state as to how the principles enunciated therein do not apply to the facts of this case.

8. Representation made by applicant was in the same month in which he was due to retire. Hardly one can expect any consideration there of. Despite that, in obedience of interim orders of this Tribunal, respondents have passed a detailed order.

9. Whatever be the result of alteration of date of birth of a Government employee while in service, nothing would accrue on

account of that, to a retired employee. Alteration of date of birth of an employee after his retirement, even if the facts warrant, does not result in alteration of pensionary benefits. The reason is that, there cannot be any deemed service, once an employee is retired. In the instant case, pensionary benefits would not undergo any change, even if the date of birth of applicant is altered, because, he retired in the apex scale in the post of Chief Secretary.

10. Viewed from any angle, we do not find any merit in OA. OA, therefore, dismissed.

11. There shall be no order as to costs.



(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn