

Central Administrative Tribunal
Principal Bench: New Delhi

(A)

O.A. No. 2497/2001

New Delhi this the 21st day of September, 2001

Hon'ble Shri V.K. Majotra, Member (A)

H.L. Pahwa
Chief Accounts Officer
R/o C-II C-12/6, Janakpuri,
New Delhi.

-Applicant

(By Advocate: Shri S.N. Anand)

Versus

1. Union of India through
Secretary, Ministry of Communications
Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110001
2. The Chairman Telecom Commission
Sanchar Bhawan
20, Ashoka Road,
New Delhi-110001
3. The Chief General Manager
Mahanagar Telephone Nigam Limited
Khurshid Lal Bhawan
Janpath, New Delhi.

-Respondents

ORDER (Oral)

The applicant is presently working as Chief Accounts Officer with the respondents. ^{He has} joined service in 1966. His date of birth in the official record is recorded as 3.2.1943 on the basis of his Matriculation examination 1962. According to the applicant, he had applied to Punjab University for change in date of birth vide Annexure-B which is a duplicate copy of applicant's Matriculation certificate dated 17.3.1973 substituting the original certificate of 1962 wherein his date of birth has been corrected as 10.10.1945. According to the applicant, he applied to the Departmental authorities to change his date of birth on the basis of the duplicate Matriculation

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examination issued by Punjab University in 1973. He made a representation on 26.2.1998 which has remained unresponded. The applicant has sought direction to the respondents to effect change in date of birth from 3.2.1943 to 10.10.1945 on the basis of change of date of birth in matriculation examination certificate as allowed by Punjab University.

2. I have heard the learned counsel of the applicant.

3. He has drawn my attention to order dated 6.8.1992 in OA No. 56 of 1991 Shri Naren Chandra Chakravarty Vs. Union of India & Others passed by Central Administrative Tribunal, Guwahati, wherein in a similar case on correction of date of birth by the University after several years, the Central Government had refused to effect change in date of birth in the official records. It was held that the petition was not time barred during the service period of the applicant as the right continues as long as service continues. The learned counsel also stated that as per OM dated 5.6.1954 issued by Govt. of India, Ministry of Home Affairs, though request for alteration of date of birth made within a year or two of the date of superannuation are not countenanced, such requests are not regarded as time-barred, when they are supported by satisfactory documentary evidence such as matriculation certificate. He referred to another instructions on the subject annexed at Annexure-E in which it is stated that a request for change of date of birth can be accepted if it is made within five years of his



entry into Government service and if it is clearly established that a genuine bonafide mistake has occurred.

4. On being asked as to when for the first time a representation by the applicant was made though no such date has been indicated in the OA. The learned counsel stated that it was somewhere in 1974. However, the applicant has no such record to prove that the representation was made in 1974. It is only stated that when in 1998, he enquired from the respondents about his representation, he was informed that the related file was not traceable and he had to take fresh action.

5. The applicant had joined service in 1966 on the basis of the matriculation certificate furnished by him at that time. His date of birth was recorded as 3.2.1943. He has not furnished any proof for having submitted representation for change of date of birth in 1974. A copy of the representation is annexed at Annexure-D dated 26.2.98 i.e. after a period of 32 years having joined service. In Vizagapatnam Dock Labour Board Vs. E. Archana & Ors. JT 1996 (3) SC 6 it was held that change of date of birth required ^{after 1/2} 25 years in service was not permissible. In a similar case as that of the applicant Hindustan Lever Ltd. Vs. S.M Jadhav & Another JT 2001 (4) SC 129 where ^{through 1/2} date of birth in matriculation certificate was corrected, the applicant was not allowed to raise dispute at the fag end of his career. The applicant having slept over for more than three decades of having joined service cannot be allowed to seek change of date of birth in his official records.

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6. Having regard to the reasons recorded and discussions made above, this OA is dismissed in limine.

V.K. Majotra

(V.K. Majotra)
Member (A)

21.9.2001

cc.