

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

...

OA.No.359 of 1996

Dated New Delhi, this 1st day of May, 1997.

HON'BLE MR R. K. AHOOJA, MEMBER(A)

Smt Shanti ~~Kaur~~ Kaur  
W/o Sh. Sarup Singh  
R/o F-4/73 Sultanpur  
DELHI-41.

... Applicant

By Advocate: Shri V. C. Sondhi

versus

1. Lt. Governor of Delhi, through  
Chief Secretary  
National Capital Territory of Delhi  
DELHI.
2. Director of Education  
Department of Education  
National Capital Territory of Delhi  
DELHI.
3. Dy. Director of Education  
Dist. West (Admn. Branch)  
New Moti Nagar  
NEW DELHI-15.
4. Principal  
Govt. Boys Senior Secondary School  
B-3 Paschim Vihar  
NEW DELHI.

... Respondents

By Advocate: Shri Arun Bhardwaj

O R D E R (Oral)

The applicant who had lost her husband in 1984 riots in Delhi, was appointed as Water-Woman in Education Department on compassionate grounds. Her grievance is that at the time of her appointment, her date of birth was wrongly recorded in the departmental records as 15.3.36<sup>or</sup> as a result of which she was ordered to be retired on 31.3.96 on attaining the age of 60 years. She claims that her

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actual date of birth is 15.3.49 and as such she will attain the age of 60 years only on 15.3.2009. She also submitted a representation for correction of her date of birth, but no action was taken on that representation.

2. The respondents in their reply have stated that the applicant's date of birth was entered on the basis of an affidavit duly signed by the Oath Commissioner. In that affidavit her date of birth was stated to be 15.3.36. The applicant was also referred to the Medical Superintendent-cum-Medico Expert, Civil Hospital, Rajpur Road, Delhi who had examined the applicant. According to the report submitted by the Medical Superintendent on 22.2.91, the applicant though she mentioned her age as fifty years, she appeared to be of fifty-five years of age.

The applicant has also accepted her age as fifty-five years in writing. The respondents, therefore, stated that there was no error in the entry of her date of birth in the service record which she has also verified by affixing her thumb impression.

3. I have heard the learned counsel on both sides as well as gone through the records of the case produced by the respondents. The learned counsel for the applicant argues that the applicant is an illiterate person. She had been asked to affix her

thumb impression on some documents and she could not know what had been written there and she put her thumb impression on the documents when she was asked to do so. Later, on the basis of the Municipal records, she sought correction of the entry. The respondents, however, have taken no action and she has since been actually retired from service.

4. From the records produced by the respondents it is seen that the applicant has submitted an affidavit duly signed by the Oath Commissioner. In that affidavit, it has been clearly stated that her correct and exact date of birth is 15.3.36. There is also a letter written in Hindi and on which also she has affixed her thumb impression stating that her age to be fifty-five years as indicated by the Medical Superintendent. In view of these uncontrovertible documentary records, there is no reason to hold that the respondents erred in recording the date of birth of the applicant as 15.3.36. In the circumstances, I find no merit in the application and the same is dismissed with no order as to costs.

*Pleah*  
(R: R. Ahuja)  
Member (A)