

Central Administrative Tribunal
Principal Bench

O.A.No.2513/97

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 3rd day of June, 1998

Shri Bharat Singh Negi
A.C.O.II(G)
C/o N.G.O.-I
Intelligence Bureau Headquarters
New Delhi. ... Applicant

(By Shri Ms. S. Janani, Advocate)

Vs.

1. Union of India through
Secretary
Ministry of Home Affairs
(Dept. of Home Affairs)
New Delhi.
2. The Director
Intelligence Bureau
Ministry of Home Affairs
New Delhi.
3. Director General of Police (SAS)
P.H.Q. (SAF)
Bhopal
Madhya Pradesh. ... Respondents

(By Shri K.C.D.Gangwani, Advocate)

O R D E R

The applicant who joined in the Special Armed Force (SAF) of Madhya Pradesh Police on 13.6.1961 as a Constable went over to Intelligence Bureau in 1968 initially on deputation and was absorbed there permanently w.e.f. 1.7.1989. He states that he came to know in 1982 for the first time that both his home address and his date of birth had been wrongly recorded in his service book. He made a representation dated 15.3.1983 for correction of the same wherein he clarified that he had submitted his School Leaving Certificate at the time of his initial recruitment but despite this, the respondents had made a wrong entry in his service book. After his second representation in 1989 he was asked to

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furnish documentary proof. Whereafter the matter was taken up by the Intelligence Bureau had correspondence with the officers of the Madhya Pradesh Police who instead of correcting the date of birth from 7.1.1940 preponed the date of birth to 13.6.1939. Later, the Madhya Pradesh Police intimated vide their letter dated 11.7.1996 that it may be possible to accept 1.7.1940 as the date of birth of the applicant. Under compelling circumstances the applicant says that he had to make a request that he may be allowed to retire on that basis w.e.f. 30.6.1998. He has now come before this Tribunal seeking a direction that the respondents should correct his date of birth as 1st July, 1943 and retain him in service till 30.6.2001.

2. The respondents No.1 and 2 have filed their reply. They have denied the allegations of the applicant that he was not in a position to know the entries of his service book till 1982. They also state that when the matter was taken up with the Madhya Pradesh Police, the reply given by the Madhya Pradesh Police was that a correction was not possible after a lapse of 30 years but that under the Police rules it may be possible to record the date of birth of the applicant as 1.7.1940. The respondents also denied the allegation of the applicant that he was in any way compelled to request for his superannuation w.e.f. 30.6.1998.

3. I have heard the counsel on both sides. On his own admission the applicant sought the correction of his date of birth after 22 years. When no reply was given to his representation he kept quite for another six years. If his date of birth was not changed for so long, the

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subsequent evidence produced by him is of no avail. The evidence produced by the applicant is also of not very high evidentiary value - the School Leaving Certificate, Annexure-II dated 19.9.1991, is neither a matriculation certificate nor a higher secondary school certificate. The school leaving certificate was also issued in 1991. I therefore find no fault with the decision of the Madhya Pradesh Police that the date of birth cannot be corrected after 30 years. In fact, they have gone ^{out} of their way to grant some benefit to the applicant by preponing his date of birth to be recorded as 1.7.1940 on the basis that no specific date of birth was recorded and only the year ~~was~~ was mentioned at the time of his recruitment.

4. Finding no ground for interference, the OA is dismissed. No order as to costs.

Akash -
(R.K.Ahoch)
Member (A)

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