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Central Administrative Tribunal
Principal Bench

O.A.No.2837/97

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

New Delhi, this the 4th day of September, 1998

Shri Sikram s/o Sh. Suddhu
aged about 50 years
r/o C/o Jeet Lal
C-398, Main Market
Bhajanpura
Delhi - 53.

... Applicant

(By Shri T.D.Yadav, Advocate)

Vs.

1. Govt. of NCT of Delhi
through: The Development Commissioner
Govt. of NCT of Delhi
Under Hill Road
Delhi.

2. The Conservator of Forests
Kamla Nehru Ridge
Delhi - 110 037.

... Respondents

(By Shri S.K.Gupta, proxy of Shri B.S.Gupta, Advocate)

O R D E R (Oral)

The applicant has been working as Casual Labour under Respondent No.2 since Feb. 1973 who was regularised w.e.f. 1.5.1992. On 1.10.1997 he was served with a notice informing him that on attaining the age of superannuation he stood retired w.e.f. 31.8.1996. The applicant however claims that his actual date of birth is 19.6.1947 and alleges that his date of birth has been wrongly recorded as 2.8.1936. As such he claims that his date of superannuation must be on 30.6.2007 and he has been prematurely retired from service.

2. The respondents in their reply state that the applicant's date of birth is, as per office record, 2.8.1936. After attaining the age of 60 years, he was retired from service w.e.f. 31.8.1996. Due to tampering

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of records, the retirement papers could not be processed in time and the actual date of superannuation came to the notice of the Head of the Department on 30.9.1997 when the applicant had applied for Earned Leave. They also submit that the applicant was over age at the time of regularisation of his services and when his case for relaxation of age was processed with the Lt. Governor of Delhi and he has granted age relaxation vide order dated 4.5.1995 the applicant's date of birth had been mentioned as 2.8.1936 (at Sl. No.135).


3. I have heard the counsel on both sides. The learned counsel points out that in the affidavit filed on 28.2.1992, Annexure 'D' his date of birth has been recorded as 19.6.1947. That affidavit was given at the time of his regularisation. The learned counsel for the respondents, on the other hand, submits that the applicant has submitted a number of affidavits including one on 5.9.1990 wherein he has recorded his date of birth as 1.8.1951. He urges that since his case was processed for regularisation on the basis of his date of birth recorded in the office records as 2.8.1936, the OA may be dismissed.

4. I find contradictions in the statement of the applicant as well as those of the respondents. The respondents are relying on the document, Annexure 'A' which is the Format wherein the date of birth has been entered as 2.8.1936 and the age of the applicant on 31.8.1990 as 32 years. The latter would place the applicant's date of birth sometime in 1958. The applicant has also given contradictory affidavits giving his date of birth variously as 19.6.1947 and 1.8.1951.

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In these circumstances, I consider it proper to dispose of this OA with a direction that the respondents will refer the matter to the appropriate Medical Board which will ascertain his age and proceed further in the matter regarding his service as per medical advise. In case it is found that the applicant's claim is correct, then they will take him back in service with original seniority treating the intervening period as leave on account. This will be done within four weeks from the date of receipt of a copy of this order.

The OA is disposed of as above. No costs.


(R.K. Ahooja)
Member (A)

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