

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

DA No.1844/1994

New Delhi, this 8th day of January, 1995

Hon'ble Shri P.T.Thiruvengadam, Member(A)

Gian Singh
Token No.684, JCS
Machine Man
Govt.of India Press
Minto Road, New Delhi-110 001 .. Applicant

By Shri K.B.S. Rajan, Advocate

Versus

Union of India, through

1. The Secretary
Min. of Urban Development
Nirman Bhawan, New Delhi

2. The Director
Dte. of Printing
Nirman Bhawan, New Delhi

3. The General Manager
Govt. of India Press
Minto Road, New Delhi .. Respondents

By Shri V.S.R. Krishna, Advocate

ORDER (Oral)

This DA has been filed with the prayer that the date of birth of the applicant should be deemed to be 2.1.1937 and not 2.1.1935.

2. The learned counsel for the applicant argued that as per the relevant school leaving certificate, the date of birth of the applicant is 2.1.37. He had given a declaration to this effect vide his declaration form made out by him on 12.1.55. It is admitted that in the declaration form (Annexure R-2) the original entry was 2.1.35 but this has been crossed and then a further entry of 2.1.37 has been made with the remarks that "verified from his school leaving certificate". It is his case that the service role was prepared subsequently in the year 1957 which has not truly reflected what should be the correct entry in the declaration form of the applicant.

In the service role (Annexure R-1) the date of birth indicated is 2.1.35. This service role was signed by the applicant but it was emphatically argued that the applicant is not a very literate person and the entry in the service role being in English, the applicant was not aware of the contents of the service role.

3. In support of the applicant's claim, reliance was placed on the school leaving certificate issued by the school where the applicant studied, horoscope of the applicant, LIC Policy dated 28.1.72 (Annexure A-4) where the age is shown as 35 years, CGHS card showing the date of birth as 2.4.37 and the declaration made in 1960 by the applicant claiming that his year of birth is 1937. In addition, certain typed lists of employees with details of their dates of birth were also produced and the learned counsel for the applicant stated that even though these lists do not have any covering letter, he was prepared to affirm that these lists were passed on by the respondents to the working committee in the organisation of the respondents. In these lists, alleged to have been made available to the working committee in 1982 and 1985, the date of birth of the applicant is shown as 2.1.37.

4. It was also argued that the applicant had no occasion to know about his date of birth till July, 1994 when he was not further promoted on the plea that the next promotion was to the post of Supervisor for which the retirement age is 58 years. As per the records of the respondents, the applicant had already crossed this superannuation age. At this stage, the applicant made an appli-

(A)

correction
cation for ~~change~~ in the date of birth.

5. In October, 1994, the respondents issued a memorandum dated 19.10.94 instructing the applicant to produce a fresh school leaving certificate in the letter-head of the school authority showing the date of birth. It is claimed that this has been done but the respondents have not given any further communication.

6. It is however the case of the respondents that as per the entry in the ^{service} role, the date of birth is shown as 2.1.35 and the applicant had signed this in token of acceptance of this entry. The respondents do not accept the change shown in the declaration (Annexure R-2). It is their case that the seniority lists have been made every year and in all the seniority lists the date of birth of the applicant shown is only 2.1.35. Periodically, copies of the seniority list were made available to the working committee and the Labour Officer.

7. One of the PF withdrawal forms made out by the applicant in August, 1976, wherein the applicant's age is shown as 40 years, was also produced.

8. It is argued that a belated claim for change in date of birth can not be entertained at the fag end of one's career. The observations of ~~Apex~~ court in this regard were also cited.

9. After hearing both the sides, I note that the respondents had directed the applicant to produce a fresh school certificate, which has been done by the applicant. However action taken in this regard has not been communicated to the applicant.

10. In the circumstances, it is not necessary for me to go into the aspects of whether the applicant had any opportunity to know about his date of birth as entered in the service role, between the years 1955 and 1994, whether the seniority lists were circulated or whether the PF application form containing the age of the applicant is acceptable to him as sufficient record. These are the matters which would require further probing into.

11. In the circumstances, I direct the respondents to dispose of the representation of the applicant submitted in pursuance of the memorandum of the respondents dated 19.10.94 (Annexure A-2 to the rejoinder) expeditiously and before 31.1.1995. The DA is disposed of with the above direction. This order has been dictated when the departmental representative was present.

No costs.

P. J. D.
(P.T.Thiruvengadam)
Member (A)
9.1.1995

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