

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.
PRINCIPAL BENCH, NEW DELHI
* * *

O.A. No.1181/88

Date of Decision : 24.12.92

Shri Inderjit Singh

...Applicant

Vs.

Union of India & Ors.

...Respondents

CORAM

Hon'ble Shri J.P. Sharma, Member (J)

For the Applicant

...Shri S.P. Sandhu, proxy
counsel for
Shri S.P.Sharma, counsel

For the respondents

...Shri J.C.Madan, proxy
counsel for
Sh.P.H.Ramchandani, counsel

1. Whether Reporters of local papers may be allowed to see the Judgment? *ys*
2. To be referred to the Reporter or not? *ys*

JUDGMENT (ORAL)

(Delivered by Hon'ble Shri J.P. Sharma, Member (J))

The matter has come on board since 23.12.1992. The applicant has the grievance that his actual date of birth is 27.6.1931 while in service record, that is entered as 27.6.1930. In this OA, the applicant has prayed for quashing of the order dt.17.6.1988 by which the respondents have rejected the representation of the applicant dt.4.11.1987 that his request for correction of date of birth has not been acceded to. The contention of the applicant is that he will suffer monetary loss if his date of birth in the service is not corrected from 30.6.1930 to 30.6.1931 (It appears to be not in keeping with the record and averment made in the application as the matriculation certificate copy on record shows that on the basis of affidavit, the date of birth of the

lc

....2....

8

applicant is 27.6.1931). It is evident from the record if date of birth of the applicant is the year 1931 and month of June, then the age of superannuation will be the year 1989 on the last day of June. The applicant, however, has been retired on 30.6.1988 on the basis of the recorded date of birth as 27.6.1930.

I have heard the learned counsel for the respondents and the proxy counsel for the applicant and the record has been perused along with the various annexures annexed with the application. The applicant has served as an Airmen in the Air Force where he was recruited in July, 1949 and was discharged in July, 1958. After that the applicant on 1st March, 1960 joined the Department CDAWC, Meerut and at that time his date of birth is recorded as 29 years, 8 months and 4 days. The averment of the applicant in the application is that at the time of enrolment in the CDA, he submitted his discharge certificate in the Indian Air Force, certificate of matriculation examination of Punjab University and certificate of Vernacular final and middle examination issued by the Education Department, Punjab on 1.6.1945. However, in para-3 of the representation dt.13.1.1985 (Annexure D), the applicant has mentioned that his discharge certificate from Indian Air Force is not traceable despite his best efforts and presumably the same according to the applicant was deposited with the Air Force authorities on his reply in 1962. This, therefore, goes contradictory to the averment made in the application itself that the applicant filed the discharge certificate from Indian Air Force at the time of his recruitment in CDAWC, Meerut.

...3...

le

9

Normally, the date of birth recorded in the matriculation certificate should be taken as authentic as it is the first examination which opens channels for further career prospects of the individual. It is also laid down in various OMs issued by the Ministry of Personnel that the date of birth recorded in the matriculation/Higher Secondary School Examination be taken to be authentic unless and until that is not genuine. However, in the present case photocopy of the matriculation certificate filed by the applicant as Annexure A2 to the application goes to show that it has been recorded on the basis of the affidavit filed by the applicant. This certificate also has an endorsement at the top "Duplicate". Thus the authenticity which should normally be attached to the matriculation certificate is not so much as should have been in the original on the basis of the earlier school record of the applicant.

The evidence of matriculation certificate having not been found convincing, so remains the certificate of vernacular final and middle school examination which the applicant has filed as Annexure A3 to the application. It is of 1945 session. Curiously enough, the descriptive role attached to this certificate does not bear any authentication seal or signature of the competent issuing authority. This document too, therefore, cannot be taken as a convincing evidence recorded therein 27.6.1931. There is no other evidence on record to judge the correct date of birth of the applicant on which he wants a correction in the service record.

...4...

le

10

The applicant has served in Indian Air Force and after discharge from there, he continued to serve in CDAWC, Meerut and when he was about to retire in June, 1988 on the basis of the entry of date of birth in the service record, he was awoken only in November, 1987 to make a representation for the correction of date of birth. This conduct of the applicant is not explained as to why being educated and working in a disciplined and enlightened force of Union of India, he could not move the authorities much earlier for the relief which he has now prayed for in the present application.

The impugned order, of course does not disclose any reason and is an unreasoned order, but no other conclusion can be drawn on the basis of the material furnished by the applicant himself on record that the date of birth alleged by the applicant as 27.6.1931 is the correct date of birth.

In view of the above facts and circumstances, the present application is devoid of merit and is dismissed leaving the parties to bear their own costs.


(J.P. SHARMA)
MEMBER (J)
24.12.1992