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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 25
Tax No.

1986

DATE OF DECISION 20.3.1986

Shri B.B. Chhiber **Petitioner**

Shri R.R. Rai **Advocate for the Petitioner(s)**

Versus

Union of India & Others **Respondent**

Shri M.L. Verma **Advocate for the Respondent(s)**

CORAM :

The Hon'ble Mr. S.P. MUKERJI, MEMBER

The Hon'ble Mr. H.P. BAGCHI, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?

JUDGMENT

The petitioner has come up under Section 19 of the Central Administrative Tribunals Act, 1985 for getting his date of birth recorded in the Service Book changed from 15.1.1926 to 5.11.1926 and on that basis has claimed that his retirement from the UPSC should take effect from

Contd.....2.

5.11.1984 instead of 31.1.1984. It is admitted that the petitioner has already retired from the UPSC while holding a gazetted post of Private Secretary on 31.1.1984, that he was appointed ^{by the Kudal Commission} on re-employment in a non-gazetted post with effect from 29.3.1984 and has left the Kudal Commission on 14.1.1986. We have heard the arguments advanced by the learned counsel ^{for} ~~from~~ both the parties at length and closely examined the various documents placed before us. The application cannot be accepted for the following reasons:

- (i) The Matriculation Certificate produced by the applicant admittedly gives the date of birth as 15.1.1926 on the basis of which the entry in the Service Book was made. The date in the Matriculation Certificate has not so far been changed.
- (ii) The representations submitted by the applicant have been consistently rejected by the Ministry of Home Affairs between 1958 and 1964 and after that no further representation ~~had~~ been made by the applicant till 1983. He ~~had~~ not moved any Court of Law so far.
- (iii) The applicant himself has accepted the pension sanctioned to him on his retirement on 31.1.1984.
- (iv) ^{In} The application for the commutation of pension a photostat copy of which is annexed to Annexure 2 to counter-affidavit, the applicant himself had indicated his

date of birth as 15.1.1926. By the doctrine of acquiescence, the applicant is estopped from challenging the date of birth at this juncture.

(v) In the order of appointment in the Kudal Commission which is at Annexure 'G' to the application, it has been clearly indicated that he was being re-employed "till he reaches the age of 60 years, i.e. 14.1.1986" which clearly indicates that his date of birth had been taken as 15.1.1926. The applicant had accepted and enjoyed the re-employment without protest. He

2. For the aforesaid reasons, we see no merit in the application and reject the same. In the circumstances of the case, there will be no order as to costs.


(H.P. BAGCHI)

20.3.86.


(S.P. MUKERJI)