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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 273 198 6
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DATE OF DECISION 27.5.1986

A. M. Dass Petitioner

Shri K.P.Kapur Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Mrs. Raj Kumari Chopra Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P.MUKERJI, ADMINISTRATIVE 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 ?

JUDGEMENT

The petitioner has come up under Section 19 of the Administrative Tribunals Act 1985 and prayed that the order dated 13.6.85 indicating that he would be completing the age of 60 years on 13.5.86 and would be retired from 31.5.1986 should be set aside and the order rejecting his representation should be quashed by

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recognising his date of birth as 4.6.1931 instead of 13.5.1926.

2. The brief facts of the case are as follows. The petitioner was recruited as Class-IV employee on 3.1.1949 as a good football player. According to the Church records, his date of birth is recorded as 4.6.31. The Air Force pass issued on the 4th December 1981 indicates his age as 48 years. He is said to be illiterate and came to know about the recorded date of birth on 13.6.85 when he was informed that he would be attaining the age of 60 years on 13.5.86 as per the service record. He represented and produced Church certificate and affidavit to establish his date of birth as 4.6.31 but the same was rejected.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents very closely.

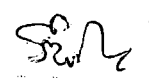
4. In accordance with the Note Below F.R.56 alteration of date of birth can be allowed only if:-

- (a) a request in this regard is made within five years of entry into Government service;
- (b) it is clearly established that a genuine bona fide mistake has occurred; and
- (c) the date of birth so altered would not make him ineligible to appear in any School or University or Union Public Service Commission examination in which he had appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

5. In the instant case the petitioner represented against his recorded date of birth more than 30 years after he entered service. He has not produced any unimpeachable documentary evidence or proof that there

was any clerical mistake in recording his date of birth. Further if his date of birth as he avers now is taken to be 4.6.31, he would be less than 18 years of age on 3.1.49 when he entered service and would thus be ineligible for his appointment. Thus the application is disqualified on all the three counts mentioned above. There is no cogent ground to allow the application otherwise..In the circumstances of the case, the application is rejected. There will be no order as to costs.


(H.P.BAGCHI)
JUDICIAL MEMBER 27.5-86


(S.P.MUKERJI)
ADMINISTRATIVE MEMBER