

~~Open 1986~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No.
~~XXXXXX~~

479

1986

DATE OF DECISION 30.6.1986

Shri Durga Dass Kapur

Petitioner

Shri B.S. Mainee

Advocate for the Petitioner(s)

Versus

Union of India & Others

Respondent

None

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman

The Hon'ble Mr. Kaushal Kumar, Member

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter ~~or not?~~ *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether to be circulated to all Benches ? *Yes*

K. Madhava Reddy
(K. Madhava Reddy)
Chairman
30.6.86

K. Madhava Reddy
(Kaushal Kumar)
Member
30.6.86

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

(1983)
REGN. NO. OA 472/86

30.6.1986

Shri Durga Dass Kapur •••• Petitioner

Vs.

Union of India & Others •••• Respondents

Coram:-

Shri Justice K. Madhava Reddy, Chairman
Shri Kaushal Kumar, Member

For the petitioner •••• Shri B.S. Mainee,
counsel.

For the respondents •••• None.

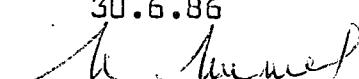
(The judgement of the Bench delivered by
Shri Justice K. Madhava Reddy, Chairman)

This is a petition for correction of the date of birth in the service record made as early as in 1954. The applicant was born on 6.6.32 and it should have been entered accordingly when he entered the service. He did not sign the entry at the time of entering service and that his date of birth was wrongly recorded as 6.6.28 instead of 6.6.32. Accordingly, he moved an application in 1970 for correction of his date of birth, but the Railway authorities did not give any reply. In pursuance of the Railway Board's circular which gave opportunity to the persons already in service to get their date of birth entry in the service record corrected by filing an application on any day on or before 30.7.73, he moved another application on 6.12.72 for correction of his date of birth. That circular directs that any such application should be examined in terms of the rules and instructions then in force under which a horoscope was not to be accepted as evidence for correction of the date of birth. The only document on

which the petitioner now relies for correction of date of birth in the service record is a horoscope. No other document was filed either in 1970 or in 1972 along with the applications alleged to have been filed by him. When a horoscope can never be accepted for purposes of correcting the date of birth, the petitioner can really have no grievance if no reply was given to his application, for that application only deserved to be dismissed then and even now when no other proof is forthcoming.

2. The applicant requests that he may be given an opportunity to produce further evidence in support of his claim. This would amount to allowing the petitioner to file a fresh application beyond 17.7.73. In any event entertaining such applications would only encourage filing of belated applications for correction of the date of birth in the service records on the eve of retirement. This should be put a stop to in the public interest. This application is devoid of merit and is accordingly dismissed.


(K. MADHAVA REDDY)
CHAIRMAN
30.6.86


(KAUSHAL KUMAR)
MEMBER
30.6.86