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**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**NEW DELHI**

O.A./X.A. No. 116 of 1986

Rewti Prasad Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	Date	Orders
	12.3.86	<p>Present: Shri B.K. Sharma, counsel for petitioner Mrs Raj Kumari Chopra, counsel for respondents</p> <p>The petitioner Shri Rewti Prasad has come up before us under Section 19 of the Administrative Tribunals Act praying that his date of birth taken as 3.2.1928 by the respondents is wrong and that it should be corrected to 30.12.1930. The petitioner therefore prays that his retirement due on 28.2.1986 should be postponed to 31.12.1988.</p> <p>2. We have heard the learned counsel for the petitioner in detail during the two hearings and examined the service records and other documents called for by us as also the documents appended with the petition. For the following reasons we are satisfied that there is no reason to accept the contention of the petitioner:</p> <p>1) The Service Book which was examined by us today and shown to the learned counsel to the petitioner <del>really</del> <sup>clearly</sup> indicates in words that the date of birth of the petitioner is 3rd February, 1928. The date</p> <p style="text-align: right;">Contd.....</p>

Sr. No.	Date	Orders
		<p>of birth in figures has been erased and shown as 30.12.1930.</p> <p>ii) We have seen two letters in Hindi written by the petitioner to the respondent which were in response to the respondent's letters of 2.11.1980 in which the petitioner himself has unambiguously stated that his date of birth which is shown as 3.2.1928 and which has been shown in his service book as such should be taken as 3.2.1928 and the wrong date of birth as 3.2.1923 should be corrected accordingly. He further stated in the same letter that he should be retired on the basis of his date birth of 3.2.1928. The learned counsel for the petitioner does not dispute these two letters but he has drawn our attention to Annexure 'C' to the petition which is a letter dated 28.1.1981 in which <sup>the petitioner</sup> he has asserted that his date of birth should be taken as 30.12.1980 in accordance with the service records. The apparent inconsistency between previous two letters of 1980 in which he has himself indicated that the service records bear the correct date of birth as 3.2.1928 and his letter dated 28.1.1981 in which he has said that the service records bear the date of 30.12.1930 is perhaps explained by the fact that in between these two assertions the erasure and over-writing in the service book <sup>might</sup> must have taken place.</p> <p style="text-align: right;">Contd.....</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A./T.A. No. \_\_\_\_\_ 198

Applicant(s)

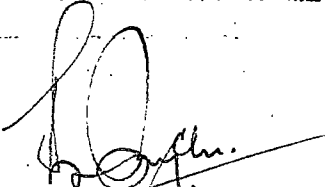
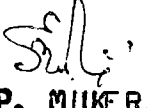
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Versus

Respondent(s)

Sr. No.	Date	Orders
		<p>iii) In the gradation list of 1960-61 the date of birth of petitioner has been indicated as 3.2.1928 but the applicant had not disputed this till his application of 16th May 1979 when for the first time he woke up and asserted that his date of birth is 30.12.1930.</p> <p>iv) If his date of birth had been taken as 30.12.1930 at the time of entry into service on 5.12.1947 he would obviously have been under-age and would <sup>have</sup> not get the benefit of employment in government service. He cannot therefore at the fag end of his career draw any benefit by his belated assertion of a new date of birth which would have disentitled from entry into service on the date of his appointment.</p> <p>v) The Health Certificate which was dated 16.3.1948 much before the dispute arose, which was placed before us and which has been authenticated by the Asstt. Civil Surgeon, Delhi and which contains the signature of the petitioner also indicates that on</p>

Contd.....

Sr. No.	Date	Orders
		<p>that date according to his own statement as well as by appearance he was 19 years old at that time.</p> <p>3. On the above incontrovertible basis we are convinced that no case can be made out from the petition about modifying the date of birth of the petitioner to 30.12.1930 and accordingly we dismiss the application under Sub-section 3 of Section 19 of the Administrative Tribunals Act.</p> <div data-bbox="532 819 906 1111"> (H.P. BAGCHI) 12/3/86</div> <div data-bbox="1117 925 1393 1058"> (S.P. MUKERJI)</div>