

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL Bench, NEW DELHI

C.A. NO. 1345/1987

DATE OF DECISION : 10.04.92

Shri Surendra Singh Bist

...Applicant

vs.

Union of India & Ors.

...Respondents

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

For the Applicant

...Shri L.C. Goyal

For the Respondents

...None

1. Whether Reporters of local papers may be allowed to see the Judgement?

2. To be referred to the Reporter or not?

JUDGEMENT

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J))

The applicant has prayed for the change of date of birth from 17.12.1926 to 1.4.1928. The applicant was appointed as Fitter, Ordnance factory, Murednagar on 17.12.194 and his age was by medical examination written as 22 years and on that basis in the service sheet, the date of birth was recorded as 17.12.1926. The applicant has assailed the order dt. 1.1.1985 passed by General Manager, Ordnance factory, respondent No. 3 by which his request for correction of date of birth has been rejected. By this order of 1.1.1985

at item No.20 as per factory order Part-II No.2318 dt.5.12.84  
Surendra Singh Bist, Chargeman Grade-II is attaining the  
age of superannuation on 31.12.1984 and his name has been  
struck from the Roll.

2. In the application, the applicant has stated that he  
has passed Vernacular final examination in 1942 from Garhwal  
district and at that time his date of birth in the said  
certificate is recorded as April 1, 1928 which is the  
correct date of birth. The date of birth recorded in  
the service sheet of the applicant was only by medical  
examination and this certificate of Vernacular final  
examination issued by Department of Public Instructions, U.P.  
has not been complied with. On the basis of the certificate,  
the applicant made representations on 23.3.1978 and 13.5.1978,  
and both of them were rejected by General Manager, Ordnance  
factory, Muradnagar by the orders dt.28.4.1978 and 16.9.1978  
respectively. After this, the applicant made another  
representation dt.9.12.1978 to The Director General,  
Ordnance factory, Calcutta, which was also rejected by the  
order dt.21.7.1979. The applicant finally retired from  
service on 31.12.1984. After retirement from service, the  
applicant has filed this application on 8.12.1987 requesting

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for correcting the date of birth from 17.12.1926 to 1.4.1928 on the basis of the certificate issued by Department of Public Instructions, U.P. when the applicant passed Vernacular final examination in 1942.

3. The respondents contested the application and stated that the applicant has come very late even three years after his retirement and the matter cannot be now considered being barred by limitation under Section 21(1)(b) of the Administrative Tribunals Act, 1985. It is further stated that the applicant has himself given his date of birth in the form of option of GPF scheme on 30.7.1969 as well as also gave the same date of birth, i.e., 17.12.1926 while filling up the final pension forms. The applicant has no case. The respondents have attached to the counter the photostat copy of the service sheet as Annexure A.

4. I have heard the learned counsel for the applicant at length and have gone through the record of the case. None appeared for the respondents. The learned counsel for the applicant placed his claim on the basis of the authorities of Hira Lal Vs. UOI, ATR 1987(1) CAT 414 and R.R. Yadav Vs. UOI, ATR 1987(2) CAT 506.

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5. However, in the present case, the applicant has not come within time and he has filed this application on 3.12.1987 three years after his retirement. As per authority of Dr.S.S.Rathore Vs. State of M.P., reported in AIR 1990 SC p-10, the repeated representation does not give any extension to limitation and so the applicant should have come for the redress of his grievances in 1979 when his representation was finally rejected by the order dt.21.7.1979 by Director General, Ordnance factory, Calcutta. The applicant has no cause of action when he has already retired on 31.12.1984 and even from the date of retirement he has come before the Tribunal on 8.12.1987. Further the order which the applicant is challenging is the order of retirement dt.1.1.1985 passed by General Manager, Ordnance factory, Muradnagar, respondent No.3. That order has been passed on the basis of the recorded date of birth, 17.12.1926 and as per Extant Rules, the applicant has to retire on attaining the age of 58 years which the applicant completed on superannuation on 17.12.1984. So he has rightly been retired on 31.12.1984. His name had already been struck down from the rolls of General Manager, Ordnance factory, Muradnagar.

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6. The application is, therefore, devoid of merits and is barred by time and is dismissed leaving the parties to bear their own costs.

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(J.P. SHARMA) 10.4.92  
MEMBER (J)