

Central Administrative Tribunal
Principal Bench, Delhi.

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REGN. NO. R.A.51/88 in OA1903 of 1987

Date of decision 6.6.88

Shri P.L. Sethi

Applicant

Vs.

Union of India

Respondents

PRESENT

Shri G.D. Gupta

Counsel for the applicant.

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Hon'ble Shri B.C. Mathur, Vice-Chairman.

In the original application No. 1903 of 1987, the court had rejected the application for changing the date of birth of the applicant on the ground that the certificate issued by the Registrar, Departmental Examinations, Education Department, N.W.F.P., Peshawar, on 1.7.1945 was not acceptable as there were certain doubts about its genuineness. The form of the certificate had been printed by Government and the date of printing the form was recorded in small words at the bottom of the form within brackets. The form showed that it was printed on 30.10.1945 whereas the certificate is supposed to have been issued on 1.7.1945 i.e. nearly four months earlier than the printing of the form itself. This created a grave suspicion about the genuineness of the document and on the basis of this certificate, the entries recorded in the Service Book during the last 40 years could not be changed. In that case, it was directed that the respondents might make a thorough inquiry about the authenticity of the document. It was accepted that the limitation of five years for changing the date of birth will not be a bar in the case of the applicant.

2. Subsequent to the pronouncement of the orders in OA 1903 of 87 on 29.3.1988, the applicant has been able to lay hands on two documents - one is an original Middle School Certificate of one Shri Shalig Ram (presently serving in Government of India Press, Faridabad) who also passed A.V. Middle Standard Examination

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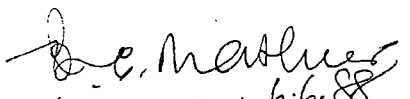
of the Education Department, N.W.F.P., Peshawar in 1945 along with the applicant and this certificate also carries a byline at the bottom showing that the form of the certificate was printed on 30.10.1945 and issued on 1.7.1945. The learned advocate for the applicant maintains that this proves the genuineness of the form beyond any doubt. He has also produced the original matriculation certificate of the applicant issued by the Panjab University, Lahore, on 1.11.1947, mentioning his date of birth as 1.2.1932 which also corroborates the date of birth recorded in the applicant's Middle School Certificate issued by the Registrar, Departmental Examination, Education Department, N.W.F.P., Peshawar. The applicant was made to retire from service from 31.3.1988 subject to reinstatement after verifying the genuineness of his Middle School Certificate from the Registrar, Departmental Examination, Education Department, N.W.F.P., and the applicant is neither getting any pension nor any pay. It is prayed on behalf of the applicant that since the two documents now produced prove the genuineness of the applicant's Middle School Certificate beyond any doubt, the applicant would be reaching the age of superannuation in January 1990 only, as such his case should be finalised at an early date.

3. I have carefully considered the matter. It is possible that the certificate issued in 1945 at Peshawar may be genuine, but a doubt will always remain. In fact, there could be bogus certificates numbering more than one. The forms were printed in October 1945 and, therefore, the certificate should not have been issued earlier than that date. The other document, namely, the matriculation certificate issued by the Registrar, Panjab University, Lahore on 1st November, 1947, creates more suspicion about the genuineness of this document. Firstly, this certificate does not appear very old and could have been printed recently. Secondly, the circumstances why this certificate was not produced earlier are not properly explained. It was explained in the case of the A.V. Middle School Certificate that it was in the possession of the applicant's mother and he found it out only after her death. As far as the matriculation certificate is concerned, the case of the applicant in the

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original application has been that no matriculation certificate had been issued to the applicant right from 1947 till ^{the} end of 1959 and the matriculation certificate issued in 1959 also refers to the affidavit by the applicant while recording his date of birth as 30.3.1930. Production of a matriculation certificate suddenly at this stage creates greater doubts about the reliability of the other document. The learned counsel for the applicant states that the original certificate issued by the University of Panjab in Lahore was lying with the uncle of the applicant. The applicant had no idea till recently when he met his uncle that there was such a certificate with him. Had he known the existence of this certificate earlier, he would not have given an affidavit to the Panjab University, Chandigarh, showing his year of birth as 1930, but he came to know of this certificate only after orders had been passed in his original application. It is difficult to accept at this stage that the University of Panjab at Lahore issued any certificate on 1st November, 1947 when conditions in Lahore would have been very disturbed and if it did send the certificate, it should have been sent to the applicant and not to his uncle. As such, it is difficult to place reliance on this certificate. I see no reason to admit the review application based on documents whose authenticity is in ^{Bo} ~~grave~~ doubt. In the original order dated 30.3.1988, the respondents had been directed to initiate action within a month to get the certificate ^{issued} by the Registrar, Departmental Examination, Education Department, N.W.F.P. Peshawar, verified. The case would be reviewed only if the original certificate was found genuine by them. It would be useful if the matriculation certificate produced now could also be verified by the respondents. The applicant may submit the original certificate issued by the Panjab University, Lahore, to the respondents immediately. The respondents should get an enquiry made through appropriate authorities within a period of six months from now. A copy of this order may be sent to the respondents.


(B.C. Mathur) 6.6.88
Vice-Chairman