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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 473
T.A. No.

1987.

DATE OF DECISION June 7, 1988.

Shri Joginder Singh Bhatia Petitioner

Shri Prem Lal, Advocate for the Petitioner(s)

Versus

Union of India and others Respondents.

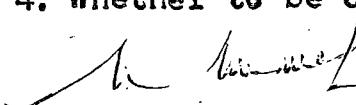
Shri P.P. Khurana, counsel Attorney for the Respondent(s)

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 other Benches? *No*


(Kaushal Kumar)
Member

7.6.1988.


(K. Madhava Reddy)
Chairman

7.6.1988.

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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.**

REGN. NO. OA 473/1987.

June 7, 1988.

Shri Joginder Singh Bhatia Applicant.

Vs.

Union of India and others Respondents.

CORAM:

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

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Shri Prem Lal, Advocate

For the respondents ... Shri P.P.Khurana, counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K.Madhava Reddy, Chairman).

This is an application under Section 19 of
the Administrative Tribunals Act,1985 for correction
of date of birth in the service record and for a
direction against the respondents not to retire him
from service with effect from 30.6.1987. This
application was filed on 6.4.1987. The date of birth
of the applicant as entered in the service record
is 10.6.1929. He wants it to be corrected as 10.6.1931
on the strength of the duplicate Matriculation
Examination Certificate obtained by him in July,1951.

It is the case of the applicant that he had passed
the Panjab University Matriculation Examination held
in 1946. During the holocaust following the partition
of the country, the original Matriculation Certificate
was lost and he could obtain a copy of the same only



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in July, 1951. Although he entered service on 15.11.1948, he applied for correction of date of birth on the strength of that duplicate certificate for the first time on 9.3.1980, that is, nearly 32 years after he entered service. Assuming that he had lost the original certificate and, therefore, could not apply for the correction of the date of birth immediately after he entered service, there is no valid explanation why he did not apply for correction of date of birth at least immediately after he had secured the duplicate certificate in 1951 and why he had waited for nearly 29 years. That apart, it would appear if his date of birth, as now claimed by him, is 10.6.1931, he would have been below 18 years when he was appointed to the service and being a minor in November 1948, he would have been ineligible for the post of Telegraph Assistant.

Be that as it may, this application is itself hopelessly time-barred. The representation of the applicant for correction of date of birth was rejected by the respondents on 9.1.1981. The applicant has filed the present application almost on the verge of his retirement i.e. on 6.4.1987. He actually retired on 30.6.1987. Against an order made more than 3 years prior to the constitution of this Tribunal i.e. before 1.11.1982, this Tribunal has no jurisdiction to entertain the claim. The applicant claims that he had made a further representation to the President of India



on 4.10.1982 and that he had not received any reply. But that averment is belied by the communication dated 25.8.1983 (copy of which is filed along with counter filed by the respondents - Annexure 4) in which the representation addressed to the President was rejected and he was intimated accordingly. Assuming that this is the final order, even so, as this is an order made prior to 1.11.1985, the applicant should have filed the application before this Tribunal within six months of its constitution i.e. on or before 30.4.1986. As already stated, this application has been filed on 6.4.1987 and thus barred by time. The application is accordingly dismissed with no order as to costs.



(Kaushal Kumar)
Member

7.6.1988.



(K. Madhava Reddy)
Chairman

7.6.1988.