

CENTRAL ADMINISTRATIVE TRIBUNAL  
(Principal Bench)  
New Delhi  
...

Registration No. OA 842/87

Siri Chand ... Applicant

Vs.

Chief of the Army Staff &  
Others ... Respondents

Counsel for the Applicant .. Shri N.K. Jaggi

CORAM: Hon'ble Justice Shri G. Ramanujam, Vice-Chairman  
Hon'ble Shri Birbal Nath, Member

ORDER

(Pronounced by the Hon'ble Justice  
Shri G. Ramanujam, Vice-Chairman)

In this case the applicant has filed an application under Section 19 of the Administrative Tribunals Act, 1985 asking a correction of his date of birth in his service records.

Applicant was appointed as Safaiwala in the year 1946. At the time of entering into service his date of birth was entered as 8.6.1927. On the basis of the said date of birth the applicant was served with the order dated 27.5.1986 intimating him that he is due to retire on 1.7.1987 as he will reach the age of superannuation on 7.6.1987.

Thereafter on receipt of the said order the applicant submitted a representation to the respondent stating that his correct date of birth is 1.1.1930 and that his date of birth as entered in the service record is not correct. The applicant had produced the

horoscope indicating that his date of birth is 1.1.1930. The respondents have not accepted the claim of the applicant. As the applicant is due to retire on 1.7.1987, on the basis of the date of birth entered in the service record, he has come forward with this application for correction of date of birth and for a direction to be continued in service upto 1.1.1990.

In this case the only document that has been produced to show the date of birth of the applicant is a horoscope. The applicant has not produced any acceptable evidence regarding his date of birth either in the form of extract of birth Register or a certificate from a school indicating the date of birth. A horoscope is not a public document and the same cannot be taken as evidence unless the person who wrote the horoscope is examined. Further a horoscope is prepared normally on information as to the date of birth furnished by some other person. In this case there is no material to indicate as to who has given the information and when. Further it is not known as to who has prepared the horoscope and whether it was prepared at or about the time of birth of the child. We are not inclined to correct the date of birth

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of the applicant merely on the basis of horoscope without actual examination of the person who prepared the horoscope. Under those circumstances we are not inclined to place any reliance on the horoscope which is now produced. The applicant says that the horoscope was produced at the time of entering into service. Even if the horoscope had been produced then, the fact remains that it was not accepted as proof of the date of birth.

We do not, therefore, see any merit in this application. The application is dismissed.

✓ 26/6/87  
(BIRBAL NATH)  
Administrative Member  
26.6.1987

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(G. RAMANUJAM)  
Vice-Chairman  
26.6.1987

INDEX: Yes/No.

kcb./26.6.87.